

Ontario  
Gov't. P.













# LEGISLATIVE ASSEMBLY OF ONTARIO

122777

FOURTH SESSION OF THE  
TWENTY-SIXTH PARLIAMENT

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## BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

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122777

## SESSION

NOVEMBER 27th to DECEMBER 19th, 1962

FEBRUARY 5th to APRIL 3rd, 1963

and

APRIL 17th to APRIL 26th, 1963

LEGISLATIVE ASSEMBLY  
OF ONTARIO

FOURTH SESSION OF THE  
TWENTY-SEVENTH PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPORTS AND THIRD READINGS

SESSION

NOVEMBER 2ND & DECEMBER 1ST 1905  
FEBRUARY 2ND TO APRIL 1ST 1906  
and  
APRIL 17TH TO APRIL 20TH 1906

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November 27th to December 19th, 1962,

February 5th to April 3rd, 1963

and

April 17th to April 26th, 1963

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# BILL 1

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Dependants' Relief Act

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MR. CASS

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THE UNIVERSITY OF CHICAGO  
LIBRARY

THE UNIVERSITY OF CHICAGO

EXPLANATORY NOTE

A typographical error is corrected.

100

BILL 1

1962-63

**An Act to amend  
The Dependants' Relief Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Dependants' Relief Act* is amended by <sup>R.S.O. 1960, c. 104, s. 8,</sup> striking out "person" in the first line and inserting in lieu <sup>amended</sup> thereof "personal".

2. This Act may be cited as *The Dependants' Relief Amendment Act, 1962-63*. Short title

An Act to amend  
The Dependants' Relief Act

*1st Reading*

November 27th, 1962

*2nd Reading*

*3rd Reading*

Mr. Cass

# BILL 1

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Dependants' Relief Act

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MR. CASS

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BILL 1

1962-63

**An Act to amend  
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**2.** This Act may be cited as *The Dependants' Relief Amendment Act, 1962-63*. Short title

An Act to amend  
The Dependants' Relief Act

*1st Reading*

November 27th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

Mr. Cass



## BILL 2

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### **An Act to authorize the Guarantee by the Province of Loans made to promote the Economic Development of Ontario**

---

MR. MACAULAY

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THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO  
IN THE 32ND PARLIAMENT, 1ST SESSION, 1967-68

AN ACT TO ESTABLISH THE ONTARIO ECONOMIC DEVELOPMENT CORPORATION  
OF ECONOMIC DEVELOPMENT

EXPLANATORY NOTE

The purpose of this Bill is to promote economic development in Ontario by providing,

- (i) for the provincial guarantee of loans; and
- (ii) advice and services

to enterprises located in Ontario which can demonstrate an ability to make a substantial contribution to Ontario's economic progress.

— 1010 —

BILL 2

1962-63

## An Act to authorize the Guarantee by the Province of Loans made to promote the Economic Development of Ontario

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "lender" means any financial institution that is approved for the purposes of this Act by the Minister;
- (b) "Minister" means the Minister of Economics and Development or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (c) "Treasurer" means the Treasurer of Ontario.

**2.** Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof and the interest thereon made for development purposes by a lender to any person carrying on business in Ontario, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province, and any guarantee so signed is conclusive evidence that the terms of this Act have been complied with.

Advisory  
committee

**3.** The Minister may establish an advisory committee to assist him in considering applications for guarantees under this Act.

Experts

**4.** The Minister may engage the services of such management consultants or other persons having technical or special knowledge or skills to assist him in the administration of this Act.

Regulations

**5.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the conditions that shall prevail before applications for guarantees will be considered;
- (b) providing and prescribing the reports and statements that applicants for guarantees or those whose loans are guaranteed shall make to the Minister;
- (c) prescribing forms and providing for their use;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Economic Development Loans Guarantee Act, 1962-63*.









An Act to authorize the Guarantee by the  
Province of Loans made to promote the  
Economic Development of Ontario

---

*1st Reading*

November 28th, 1962

*2nd Reading*

*3rd Reading*

---

MR. MACAULAY

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## BILL 2

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### **An Act to authorize the Guarantee by the Province of Loans made to promote the Economic Development of Ontario**

---

MR. MACAULAY

---

*(Reprinted as amended by the Committee of the Whole House)*

ONTARIO GOVERNMENT  
PRINTED AT THE  
PRINTING OFFICE OF THE GOVERNMENT OF ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to promote economic development in Ontario by providing,

- (i) for the provincial guarantee of loans; and
- (ii) advice and services

to enterprises located in Ontario which can demonstrate an ability to make a substantial contribution to Ontario's economic progress.

BILL 2

1962-63

**An Act to authorize the Guarantee by the  
Province of Loans made to promote the  
Economic Development of Ontario**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

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- (a) "lender" means any financial institution that is approved for the purposes of this Act by the Minister;
- (b) "Minister" means the Minister of Economics and Development or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (c) "Treasurer" means the Treasurer of Ontario.

**2.** Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof and the interest thereon made for development purposes by a lender to any person carrying on business in Ontario, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province, and any guarantee so signed is conclusive evidence that the terms of this Act have been complied with.

Advisory  
committee

**3.** The Lieutenant Governor in Council shall establish an advisory committee to assist him in considering applications for guarantees under this Act.

## Experts

**4.** The Minister may engage the services of management consultants or other persons having technical or special knowledge or skills to assist him in the administration of this Act.

## Regulations

**5.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the conditions that shall prevail before applications for guarantees will be considered;
- (b) providing for and prescribing the reports and statements that applicants for guarantees or those whose loans are guaranteed shall make to the Minister;
- (c) prescribing forms and providing for their use;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

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**7.** This Act may be cited as *The Economic Development Loans Guarantee Act, 1962-63*.









An Act to authorize the Guarantee by the  
Province of Loans made to promote the  
Economic Development of Ontario

---

*1st Reading*

November 28th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

---

MR. MACAULAY

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(Reprinted as amended by the Committee of  
the Whole House)



## BILL 2

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to authorize the Guarantee by the Province of Loans made to promote the Economic Development of Ontario

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MR. MACAULAY

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 2

1962-63

## An Act to authorize the Guarantee by the Province of Loans made to promote the Economic Development of Ontario

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "lender" means any financial institution that is approved for the purposes of this Act by the Minister;
- (b) "Minister" means the Minister of Economics and Development or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (c) "Treasurer" means the Treasurer of Ontario.

**2.** Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof and the interest thereon made for development purposes by a lender to any person carrying on business in Ontario, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province, and any guarantee so signed is conclusive evidence that the terms of this Act have been complied with.

Advisory  
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## Experts

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## Regulations

**5.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the conditions that shall prevail before applications for guarantees will be considered;
- (b) providing for and prescribing the reports and statements that applicants for guarantees or those whose loans are guaranteed shall make to the Minister;
- (c) prescribing forms and providing for their use;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

## Short title

**7.** This Act may be cited as *The Economic Development Loans Guarantee Act, 1962-63*.









An Act to authorize the Guarantee by the  
Province of Loans made to promote the  
Economic Development of Ontario

---

*1st Reading*

November 28th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

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MR. MACAULAY

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## **BILL 3**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### **An Act to amend The Ontario-St Lawrence Development Commission Act**

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MR. MACAULAY

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#### EXPLANATORY NOTE

The amendments do away with the Executive Committee of the Commission and provide for the appointment of a chairman and a vice-chairman in lieu of the chairman and two vice-chairmen as at present.

BILL 3

1962-63

## An Act to amend The Ontario-St. Lawrence Development Commission Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2, 3 and 4 of section 2 of *The Ontario-St. Lawrence Development Commission Act* are repealed and the following substituted therefor: R.S.O. 1960  
c. 279, s. 2,  
subss. 1-4,  
re-enacted

- (1) The Ontario-St. Lawrence Development Commission Commission is continued as a corporation without share capital, and shall be composed of not fewer than three and not more than fifteen members appointed by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council shall designate Chairman, one member as chairman and may designate one vice-chairman vice-chairman.
- (3) The chairman and the vice-chairman, if any, shall be paid such salary as is fixed by the Lieutenant Governor in Council. Remuneration of chairman and vice-chairman
- (4) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman. Acting chairman

2. Section 3 of *The Ontario-St. Lawrence Development Commission Act* is repealed. R.S.O. 1960,  
c. 279, s. 3,  
repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1962-63*. Short title

An Act to amend The Ontario-St. Lawrence  
Development Commission Act

*1st Reading*

November 29th, 1962

*2nd Reading*

*3rd Reading*

MR. MACAULAY



**BILL 3**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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**An Act to amend  
The Ontario-St Lawrence Development Commission Act**

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MR. MACAULAY

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## BILL 3

1962-63

## An Act to amend The Ontario-St. Lawrence Development Commission Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2, 3 and 4 of section 2 of *The Ontario-St. Lawrence Development Commission Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 279, s. 2,  
subss. 1-4,  
re-enacted

- (1) The Ontario-St. Lawrence Development Commission is continued as a corporation without share capital, and shall be composed of not fewer than three and not more than fifteen members appointed by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council shall designate one member as chairman and may designate one member as vice-chairman. Chairman,  
vice-  
chairman
- (3) The chairman and the vice-chairman, if any, shall be paid such salary as is fixed by the Lieutenant Governor in Council. Remunera-  
tion of  
chairman  
and vice-  
chairman
- (4) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman. Acting  
chairman

2. Section 3 of *The Ontario-St. Lawrence Development Commission Act* is repealed. R.S.O. 1960,  
c. 279, s. 3,  
repealed

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1962-63*. Short title

An Act to amend The Ontario-St. Lawrence  
Development Commission Act

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*1st Reading*

November 29th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

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MR. MACAULAY

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## **BILL 4**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### **An Act to amend The Highway Traffic Act**

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MR. AULD

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EXPLANATORY NOTES

SECTIONS 1, 2, 4 and 5. The amendments provide for the registration of conversion units.



BILL 4

1962-63

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

3a. "conversion unit" means a mechanical device consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle.

(2) Paragraph 7 of subsection 1 of the said section 1 is repealed. R.S.O. 1960, c. 172, s. 1, subs. 1, par. 7, repealed

2. Subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 6, subs. 1-4, re-enacted

- (1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor, and, on failure to do so, is liable, for the first offence to a fine of not less than \$10 and not more than \$50; for the second offence to a fine of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than \$50 and not more than \$200, and is also liable to imprisonment for a term of not more than thirty days. Registration of motor vehicles
- (2) The Department shall issue for each motor vehicle, trailer or conversion unit so registered a numbered permit stating that the motor vehicle, trailer or conversion unit is registered in accordance with this Act, Permits for vehicles

and shall cause the name of the owner, his address and the number of his permit to be entered in a book to be kept for that purpose.

Minister  
may refuse  
to accept  
registration  
or may  
cancel  
permit

- (3) The Minister may, in his discretion, refuse to accept the registration of, or cancel any permit issued for, any motor vehicle, trailer or conversion unit that is to be used or is used,

R.S.O. 1960,  
c. 337

(a) as a public vehicle within the meaning of *The Public Vehicles Act*; or

R.S.O. 1960,  
c. 319

(b) as a public commercial vehicle within the meaning of *The Public Commercial Vehicles Act*,

unless the owner of such motor vehicle, trailer or conversion unit is in possession of an operating licence as required by such Acts.

Local  
issuance  
of motor  
vehicle  
permits

- (4) The Minister may give authority to any person to issue permits for motor vehicles, trailers or conversion units and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued.

R.S.O. 1960,  
c. 172, s. 8,  
subs. 1,  
amended

3.—(1) Subsection 1 of section 8 of *The Highway Traffic Act* is amended by adding at the end thereof "or any part thereof", so that the subsection shall read as follows:

Number  
plate

- (1) Every motor vehicle other than a motorcycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year or any part thereof.

R.S.O. 1960,  
c. 172, s. 8,  
subs. 6,  
re-enacted

(2) Subsection 6 of the said section 8 is repealed and the following substituted therefor:

Rear number  
plate on  
trailer, etc.

- (6) Every trailer and conversion unit while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year or any part thereof.

SECTION 3. The amendments are necessary to comply with certain changes made in the regulations respecting the registration of commercial motor vehicles for periods of less than a year.

SECTION 6. The amendment provides that, where rear vision mirrors extend beyond the maximum width of commercial motor vehicles, the front clearance light shall be affixed to the mirror. It also corrects a typographical error.



4. Subsection 1 of section 10 of *The Highway Traffic Act* <sup>R.S.O. 1960, c. 172, s. 10, subs. 1, amended</sup> is amended by striking out "or trailer" in the third line and inserting in lieu thereof "trailer or conversion unit", so that the subsection shall read as follows:

- (1) No number other than that upon the number plate <sup>No other numbers to be exposed</sup> furnished by the Department shall be exposed on any part of a motor vehicle, trailer or conversion unit in such a position or manner as to confuse the identity of the number plate.

5. Section 11 of *The Highway Traffic Act* is amended by <sup>R.S.O. 1960, c. 172, s. 11, amended</sup> striking out "or trailer" in the second line and inserting in lieu thereof "trailer or conversion unit", so that the section shall read as follows:

11. A peace officer who has reason to believe that a <sup>Improper number plates</sup> motor vehicle, trailer or conversion unit is carrying number plates that were not issued for it, or which although issued for it were obtained by false pretenses, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined.

6. Subsection 6 of section 33 of *The Highway Traffic Act* <sup>R.S.O. 1960, c. 172, s. 33, subs. 6, amended</sup> is amended by striking out "or" in the eighth line and inserting in lieu thereof "of" and by adding at the end thereof "or, where a commercial motor vehicle is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror", so that the subsection shall read as follows:

- (6) When on a highway at any time from one-half hour <sup>Clearance lamps required on wide vehicles</sup> after sunset to one-half hour before sunrise, every commercial motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green or amber light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle, or, where a commercial motor vehicle

is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 2,  
re-enacted

7. Subsection 2 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Permits,  
general or  
limited

- (2) Such permit may be general or may limit the time and the particular highway that may be used and may contain conditions relating to the protection of persons and property from injury, and the municipal corporation or other authority may require a bond sufficient to cover the cost of repairing any possible damage to the highway.

R.S.O. 1960,  
c. 172, s. 58,  
subss. 2, 2a  
(1961-62,  
c. 62, s. 11,  
subs. 3),  
re-enacted

8. Subsection 2, as amended by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, and subsection 2a, as enacted by subsection 3 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, of section 58 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Rear vision  
mirrors not  
included  
in width

- (2) Where a commercial motor vehicle is equipped with one or more rear vision mirrors that extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection 1.

Length of  
vehicle or  
combination

- (2a) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 60 feet.

R.S.O. 1960,  
c. 172, s. 59,  
subs. 8,  
amended

9. Subsection 8 of section 59 of *The Highway Traffic Act* is amended by adding at the end thereof "or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer", so that the subsection shall read as follows:

fire  
department  
vehicles  
and police  
vehicles

- (8) The speed limits prescribed under this Act or the regulations or any by-law passed under this Act do not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer.



SECTION 7. The amendment extends the conditions that may be included in a special permit.

SECTION 8. The new subsection 2 provides that rear vision mirrors may extend beyond the maximum width of commercial motor vehicles.

Subsection 2a extends the maximum length of vehicles from 33 feet to 35 feet and of combinations of vehicles from 50 feet to 60 feet.

SECTION 9. The provision exempting fire department vehicles from speed limits is extended to police vehicles.

SECTION 10. Self-explanatory.

**10.** *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

70a. Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall when practicable be driven in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. Driving on  
right side of  
multi-lane  
highway

**11.**—(1) This Act, except section 6, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 6 comes into force on the 1st day of July, 1963. Idem

**12.** This Act may be cited as *The Highway Traffic Amendment Act, 1962-63*. Short title

BILL 4

An Act to amend  
The Highway Traffic Act

*1st Reading*

November 30th, 1962

*2nd Reading*

*3rd Reading*

Mr. AULD

## BILL 4

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Highway Traffic Act

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MR. AULD

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*(Reprinted as amended by the Committee on Highways  
and Highway Safety)*

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE BOARD OF DIRECTORS OF THE  
UNITED STATES OF AMERICA

EXPLANATORY NOTES

SECTIONS 1, 2, 4 and 5. The amendments provide for the registration of conversion units.



## BILL 4

1962-63

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

3a. "conversion unit" means a mechanical device consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle.

(2) Paragraph 7 of subsection 1 of the said section 1 is repealed. R.S.O. 1960, c. 172, s. 1, subs. 1, par. 7, repealed

2. Subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 6, subs. 1-4, re-enacted

(1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department of motor vehicles before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor, and, on failure to do so, is liable, for the first offence to a fine of not less than \$10 and not more than \$50; for the second offence to a fine of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than \$50 and not more than \$200, and is also liable to imprisonment for a term of not more than thirty days.

(2) The Department shall issue for each motor vehicle, trailer or conversion unit so registered a numbered permit stating that the motor vehicle, trailer or conversion unit is registered in accordance with this Act, Permits for vehicles

and shall cause the name of the owner, his address and the number of his permit to be entered in a book to be kept for that purpose.

Minister  
may refuse  
to accept  
registration  
or may  
cancel  
permit

- (3) The Minister may, in his discretion, refuse to accept the registration of, or cancel any permit issued for, any motor vehicle, trailer or conversion unit that is to be used or is used,

R.S.O. 1960,  
c. 337

- (a) as a public vehicle within the meaning of *The Public Vehicles Act*; or

R.S.O. 1960,  
c. 319

- (b) as a public commercial vehicle within the meaning of *The Public Commercial Vehicles Act*,

unless the owner of such motor vehicle, trailer or conversion unit is in possession of an operating licence as required by such Acts.

Local  
issuance  
of motor  
vehicle  
permits

- (4) The Minister may give authority to any person to issue permits for motor vehicles, trailers or conversion units and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued.

R.S.O. 1960,  
c. 172, s. 8,  
subs. 1,  
amended

**3.—**(1) Subsection 1 of section 8 of *The Highway Traffic Act* is amended by adding at the end thereof "or any part thereof", so that the subsection shall read as follows:

Number  
plate

- (1) Every motor vehicle other than a motorcycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year or any part thereof.

R.S.O. 1960,  
c. 172, s. 8,  
subs. 6,  
re-enacted

(2) Subsection 6 of the said section 8 is repealed and the following substituted therefor:

Rear number  
plate on  
trailer, etc.

- (6) Every trailer and conversion unit while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year or any part thereof.

SECTION 3. The amendments are necessary to comply with certain changes made in the regulations respecting the registration of commercial motor vehicles for periods of less than a year.

SECTION 6. The amendment provides that, where rear vision mirrors extend beyond the maximum width of commercial motor vehicles, the front clearance light shall be affixed to the mirror. It also corrects a typographical error.



4. Subsection 1 of section 10 of *The Highway Traffic Act* <sup>R.S.O. 1960, c. 172, s. 10, subs. 1, amended</sup> is amended by striking out "or trailer" in the third line and inserting in lieu thereof "trailer or conversion unit", so that the subsection shall read as follows:

- (1) No number other than that upon the number plate <sup>No other numbers to be exposed</sup> furnished by the Department shall be exposed on any part of a motor vehicle, trailer or conversion unit in such a position or manner as to confuse the identity of the number plate.

5. Section 11 of *The Highway Traffic Act* is amended by <sup>R.S.O. 1960, c. 172, s. 11, amended</sup> striking out "or trailer" in the second line and inserting in lieu thereof "trailer or conversion unit", so that the section shall read as follows:

11. A peace officer who has reason to believe that a <sup>Improper number plates</sup> motor vehicle, trailer or conversion unit is carrying number plates that were not issued for it, or which although issued for it were obtained by false pretenses, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined.

6. Subsection 6 of section 33 of *The Highway Traffic Act* <sup>R.S.O. 1960, c. 172, s. 33, subs. 6, amended</sup> is amended by striking out "or" in the eighth line and inserting in lieu thereof "of" and by adding at the end thereof "or, where a commercial motor vehicle is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror", so that the subsection shall read as follows:

- (6) When on a highway at any time from one-half hour <sup>Clearance lamps required on wide vehicles</sup> after sunset to one-half hour before sunrise, every commercial motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green or amber light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle, or, where a commercial motor vehicle

is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2b  
(1960-61,  
c. 34, s. 6,  
subs. 6),  
re-enacted

7. Subsection 2b of section 52 of *The Highway Traffic Act*, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Prohibition  
re com-  
bination of  
vehicles

- (2b) After the 31st day of December, 1965, no combination of vehicles having a gross weight of more than 84,000 pounds shall be moved upon a highway.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 2,  
re-enacted

8. Subsection 2 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Permits,  
general or  
limited

- (2) Such permit may be general or may limit the time and the particular highway that may be used and may contain conditions relating to the protection of persons and property from injury, and the municipal corporation or other authority may require a bond sufficient to cover the cost of repairing any possible damage to the highway.

R.S.O. 1960,  
c. 172, s. 58,  
subss. 2, 2a  
(1961-62,  
c. 52, s. 11,  
subs. 3),  
re-enacted

9. Subsection 2, as amended by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, and subsection 2a, as enacted by subsection 3 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, of section 58 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Rear vision  
mirrors  
and lamps  
not included  
in width

- (2) Where a commercial motor vehicle is equipped with one or more rear vision mirrors that extend in whole or in part beyond either side of the vehicle or one or more lamps, required by the Act, that extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection 1.

Length of  
vehicle or  
combination

- (2a) No vehicle, other than a public vehicle or a semi-trailer as defined in clause b of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 60 feet.



SECTION 7. The effect of the re-enactment is to repeal clause *a* which will permit more than two vehicles in a combination.

SECTION 8. The amendment extends the conditions that may be included in a special permit.

SECTION 9. The new subsection 2 provides that rear vision mirrors and lamps may extend beyond the maximum width of commercial motor vehicles.

Subsection 2*a* extends the maximum length of vehicles from 33 feet to 35 feet and of combinations of vehicles from 50 feet to 60 feet.

Subsections 2*b* and 2*c* provide for a maximum length of 45 feet for semi-trailers other than those designed for the carriage of vehicles.

Subsection 2*d* authorizes cities to restrict the length of combinations of vehicles in cities.

SECTION 10. The provision exempting fire department vehicles from speed limits is extended to police vehicles.

SECTION 11. Self-explanatory.

- (2b) Subject to subsection 2c, no semi-trailer as defined in clause b of subsection 6 of section 55, other than a semi-trailer designed for the carriage of vehicles, shall exceed the length of 45 feet. Semi-trailer
- (2c) Except in the case of a combination of vehicles under subsection 2a, any extension in the length of a semi-trailer caused by auxiliary equipment or machinery that is not designed for the transportation of goods shall not be included in determining the length of a semi-trailer under subsection 2b. Determination of length of semi-trailer
- (2d) The council of a city may by by-law prohibit the operation of a combination of vehicles having a total length, including load or contents, in excess of fifty feet on any highway or a portion thereof under its jurisdiction designated in the by-law. Restricting length of combinations of vehicles in cities

10. Subsection 8 of section 59 of *The Highway Traffic Act* is amended by adding at the end thereof "or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 8, amended

- (8) The speed limits prescribed under this Act or the regulations or any by-law passed under this Act do not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer. fire department vehicles and police vehicles

11. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

- 70a. Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall when practicable be driven in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. Driving on right side of multi-lane highway

12.—(1) This Act, except section 6, comes into force on the day it receives Royal Assent. Commencement

(2) Section 6 comes into force on the 1st day of July, 1963. Idem

13. This Act may be cited as *The Highway Traffic Amendment Act, 1962-63*. Short title

An Act to amend  
The Highway Traffic Act

*1st Reading*

November 30th, 1962

*2nd Reading*

December 10th, 1962

*3rd Reading*

MR. AULD

(Reprinted as amended by the Committee  
on Highways and Highway Safety)

## BILL 4

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Highway Traffic Act

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MR. AULD

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER







## BILL 4

1962-63

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

3a. "conversion unit" means a mechanical device consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle.

(2) Paragraph 7 of subsection 1 of the said section 1 is repealed. R.S.O. 1960, c. 172, s. 1, subs. 1, par. 7, repealed

2. Subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 6, subs. 1-4, re-enacted

(1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor, and, on failure to do so, is liable, for the first offence to a fine of not less than \$10 and not more than \$50; for the second offence to a fine of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than \$50 and not more than \$200, and is also liable to imprisonment for a term of not more than thirty days. Registration of motor vehicles

(2) The Department shall issue for each motor vehicle, trailer or conversion unit so registered a numbered permit stating that the motor vehicle, trailer or conversion unit is registered in accordance with this Act, Permits for vehicles

and shall cause the name of the owner, his address and the number of his permit to be entered in a book to be kept for that purpose.

Minister  
may refuse  
to accept  
registration  
or may  
cancel  
permit

- (3) The Minister may, in his discretion, refuse to accept the registration of, or cancel any permit issued for, any motor vehicle, trailer or conversion unit that is to be used or is used,

R.S.O. 1960.  
c. 337

(a) as a public vehicle within the meaning of *The Public Vehicles Act*; or

R.S.O. 1960.  
c. 319

(b) as a public commercial vehicle within the meaning of *The Public Commercial Vehicles Act*,

unless the owner of such motor vehicle, trailer or conversion unit is in possession of an operating licence as required by such Acts.

Local  
issuance  
of motor  
vehicle  
permits

- (4) The Minister may give authority to any person to issue permits for motor vehicles, trailers or conversion units and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued.

R.S.O. 1960,  
c. 172, s. 8,  
subs. 1,  
amended

3.—(1) Subsection 1 of section 8 of *The Highway Traffic Act* is amended by adding at the end thereof "or any part thereof", so that the subsection shall read as follows:

Number  
plate

- (1) Every motor vehicle other than a motorcycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year or any part thereof.

R.S.O. 1960,  
c. 172, s. 8,  
subs. 6,  
re-enacted

(2) Subsection 6 of the said section 8 is repealed and the following substituted therefor:

Rear number  
plate on  
trailer, etc.

- (6) Every trailer and conversion unit while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year or any part thereof.

4. Subsection 1 of section 10 of *The Highway Traffic Act* <sup>R.S.O. 1960, c. 172, s. 10, subs. 1, amended</sup> is amended by striking out "or trailer" in the third line and inserting in lieu thereof "trailer or conversion unit", so that the subsection shall read as follows:

- (1) No number other than that upon the number plate <sup>No other numbers to be exposed</sup> furnished by the Department shall be exposed on any part of a motor vehicle, trailer or conversion unit in such a position or manner as to confuse the identity of the number plate.

5. Section 11 of *The Highway Traffic Act* is amended by <sup>R.S.O. 1960, c. 172, s. 11, amended</sup> striking out "or trailer" in the second line and inserting in lieu thereof "trailer or conversion unit", so that the section shall read as follows:

11. A peace officer who has reason to believe that a <sup>Improper number plates</sup> motor vehicle, trailer or conversion unit is carrying number plates that were not issued for it, or which although issued for it were obtained by false pretenses, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined.

6. Subsection 6 of section 33 of *The Highway Traffic Act* <sup>R.S.O. 1960, c. 172, s. 33, subs. 6, amended</sup> is amended by striking out "or" in the eighth line and inserting in lieu thereof "of" and by adding at the end thereof "or, where a commercial motor vehicle is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror", so that the subsection shall read as follows:

- (6) When on a highway at any time from one-half hour <sup>Clearance lamps required on wide vehicles</sup> after sunset to one-half hour before sunrise, every commercial motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green or amber light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle, or, where a commercial motor vehicle



is equipped with a rear vision mirror that extends in whole or in part beyond the left side of the vehicle, the clearance lamp required at the front of the vehicle shall be affixed to the extreme left side of the mirror.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2b  
(1960-61,  
c. 34, s. 6,  
subs. 6),  
re-enacted

7. Subsection 2b of section 52 of *The Highway Traffic Act*, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Prohibition  
re combina-  
tion of  
vehicles

(2b) After the 31st day of December, 1965, no combination of vehicles having a gross weight of more than 84,000 pounds shall be moved upon a highway.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 2,  
re-enacted

8. Subsection 2 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Permits,  
general or  
limited

(2) Such permit may be general or may limit the time and the particular highway that may be used and may contain conditions relating to the protection of persons and property from injury, and the municipal corporation or other authority may require a bond sufficient to cover the cost of repairing any possible damage to the highway.

R.S.O. 1960,  
c. 172, s. 58,  
subss. 2, 2a  
(1961-62,  
c. 52, s. 11,  
subs. 3),  
re-enacted

9. Subsection 2, as amended by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, and subsection 2a, as enacted by subsection 3 of section 11 of *The Highway Traffic Amendment Act, 1961-62*, of section 58 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Rear vision  
mirrors  
and lamps  
not included  
in width

(2) Where a commercial motor vehicle is equipped with one or more rear vision mirrors that extend in whole or in part beyond either side of the vehicle or one or more lamps, required by the Act, that extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection 1.

Length of  
vehicle or  
combination

(2a) No vehicle, other than a public vehicle or a semi-trailer as defined in clause b of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 60 feet.

- (2b) Subject to subsection 2c, no semi-trailer as defined <sup>Semi-trailer</sup> in clause b of subsection 6 of section 55, other than a semi-trailer designed for the carriage of vehicles, shall exceed the length of 45 feet.
- (2c) Except in the case of a combination of vehicles <sup>Determination of length of semi-trailer</sup> under subsection 2a, any extension in the length of a semi-trailer caused by auxiliary equipment or machinery that is not designed for the transportation of goods shall not be included in determining the length of a semi-trailer under subsection 2b.
- (2d) The council of a city may by by-law prohibit the <sup>Restricting length of combinations of vehicles in cities</sup> operation of a combination of vehicles having a total length, including load or contents, in excess of fifty feet on any highway or a portion thereof under its jurisdiction designated in the by-law.

**10.** Subsection 8 of section 59 of *The Highway Traffic Act* <sup>R.S.O. 1960, c. 172, s. 59, subs. 8, amended</sup> is amended by adding at the end thereof "or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer", so that the subsection shall read as follows:

- (8) The speed limits prescribed under this Act or the <sup>fire department vehicles and police vehicles</sup> regulations or any by-law passed under this Act do not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call or to a motor vehicle operated by a person in the lawful performance of his duties as a police officer.

**11.** *The Highway Traffic Act* is amended by adding thereto <sup>R.S.O. 1960, c. 172, amended</sup> the following section:

- 70a. Any vehicle proceeding upon a roadway at less than <sup>Driving on right side of multi-lane highway</sup> the normal speed of traffic at the time and place and under the conditions then existing shall when practicable be driven in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

**12.—**(1) This Act, except section 6, comes into force on <sup>Commencement</sup> the day it receives Royal Assent.

- (2) Section 6 comes into force on the 1st day of July, 1963. <sup>Idem</sup>

**13.** This Act may be cited as *The Highway Traffic Amendment Act, 1962-63*. <sup>Short title</sup>

An Act to amend  
The Highway Traffic Act

---

*1st Reading*

November 30th, 1962

*2nd Reading*

December 10th, 1962

*3rd Reading*

April 26th, 1963

---

MR. AULD

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## BILL 5

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Conditional Sales Act

---

MR. CASS

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#### EXPLANATORY NOTE

The provisions repealed, which set out the fee payable upon registration of a contract or discharge in the registry office, are being transferred to the regulations under *The Registry Act*.

BILL 5

1962-63

## An Act to amend The Conditional Sales Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 5 and 7 of section 14 of *The Conditional Sales Act* are repealed. R.S.O. 1960,  
c. 61, s. 14,  
subss. 5, 7,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Conditional Sales Amendment Act, 1962-63*. Short title

An Act to amend  
The Conditional Sales Act

*1st Reading*

November 30th, 1962

*2nd Reading*

*3rd Reading*

MR. CASS

## BILL 5

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Conditional Sales Act

---

MR. CASS

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THE SECRETARY OF THE  
TREASURY

AN ACT TO AMEND THE INTERNAL REVENUE ACT

100



BILL 5

1962-63

**An Act to amend The Conditional Sales Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 5 and 7 of section 14 of *The Conditional Sales Act* are repealed. R.S.O. 1960,  
c. 61, s. 14,  
subss. 5, 7,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Conditional Sales Amendment Act, 1962-63*. Short title

An Act to amend  
The Conditional Sales Act

*1st Reading*

November 30th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

MR. CASS

## **BILL 6**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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### **An Act to amend The Investigation of Titles Act**

---

**MR. CASS**

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ENACTED BY THE LEGISLATURE OF THE STATE OF NEW YORK  
JANUARY 1, 1907

AN ACT TO REPEAL THE SECTION OF THE ACT OF 1907

EXPLANATORY NOTE

The subsection repealed provides a fee of \$1 to the registrar of deeds for registering a notice under the Act.

Hereafter this fee will be prescribed by regulation under *The Registry Act*.

BILL 6

1962-63

**An Act to amend  
The Investigation of Titles Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12 of section 2 of *The Investigation of Titles Act* is repealed. R.S.O. 1960,  
c. 193, s. 2,  
subs. 12,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Investigation of Titles Amendment Act, 1962-63*. Short title

An Act to amend  
The Investigation of Titles Act

*1st Reading*

November 30th, 1962

*2nd Reading*

*3rd Reading*

MR. CASS



## BILL 6

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Investigation of Titles Act

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MR. CASS

---



BILL 6

1962-63

**An Act to amend  
The Investigation of Titles Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12 of section 2 of *The Investigation of Titles Act* is repealed. R.S.O. 1960.  
c. 193, s. 2,  
subs. 12,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Investigation of Titles Amendment Act, 1962-63*. Short title

An Act to amend  
The Investigation of Titles Act

---

*1st Reading*

November 30th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

---

MR. CASS

---

## BILL 7

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Custody of Documents Act

---

MR. CASS

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EXPLANATORY NOTES

SECTION 1. The provision is brought into line with existing practices.

SECTIONS 2 to 5. These amendments remove the provisions that deal with fees.



BILL 7

1962-63

## An Act to amend The Custody of Documents Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 5 of section 4 of *The Custody of Documents Act* is amended by adding at the end thereof "or shall record the same at full length by means of photographic film reproduction", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 85, s. 4,  
subs. 5,  
amended

(5) The registrar shall copy in full in a proper registry book every document deposited under this Act or shall record the same at full length by means of photographic film reproduction.

Documents  
to be  
copied or  
microfilmed

**2.** Subsection 2 of section 5 of *The Custody of Documents Act* is repealed.

R.S.O. 1960,  
c. 85, s. 5,  
subs. 2,  
repealed

**3.** Section 6 of *The Custody of Documents Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 85, s. 6,  
re-enacted

6.—(1) The registrar with whom a deposit is made is entitled to the fees prescribed by the regulations.

Registrar's  
fees

(2) The prescribed fees shall be paid to the registrar at the time of the deposit by the person making the deposit.

Idem

**4.** Subsection 1 of section 7 of *The Custody of Documents Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 85, s. 7,  
subs. 1,  
re-enacted

(1) A receipt for payment of money on a registered instrument may be deposited in the registry office in which the instrument is registered.

Deposit of  
receipts

**5.** Subsection 4 of section 13 of *The Custody of Documents Act* is amended by striking out "the sum of 50 cents" in the third line and inserting in lieu thereof "the prescribed fee", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 85, s. 13,  
subs. 4,  
amended

Delivery  
under  
order

- (4) Upon the delivery to the registrar of the order or a duplicate thereof within six months after the date thereof, and upon payment to him of the prescribed fee, he shall deliver to the person mentioned therein the documents therein directed to be given to him, taking therefor his receipt or the receipt of his authorized agent.

R.S.O. 1960,  
c. 85,  
amended

**6.** *The Custody of Documents Act* is amended by adding thereto the following section:

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) respecting the books and records to be kept by registrars of deeds for the purposes of this Act;
- (b) requiring the payment of fees to registrars of deeds upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**7.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**8.** This Act may be cited as *The Custody of Documents Amendment Act, 1962-63*.

SECTION 6. This new section will authorize regulations to bring about uniform office practices with respect to books and records and to provide for fees.



THE UNIVERSITY OF CHICAGO

NAME	RESIDENCE	OCCUPATION	EDUCATION	RELIGION	POLITICAL	SOCIAL	CULTURAL	OTHER
J. H. ...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...

An Act to amend  
The Custody of Documents Act

---

*1st Reading*

November 30th, 1962

*2nd Reading*

*3rd Reading*

---

Mr. Cass

---



## BILL 7

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

### An Act to amend The Custody of Documents Act

MR. CASS



BILL 7

1962-63

## An Act to amend The Custody of Documents Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 4 of *The Custody of Documents Act* is amended by adding at the end thereof "or shall record the same at full length by means of photographic film reproduction", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 85, s. 4,  
subs. 5,  
amended

(5) The registrar shall copy in full in a proper registry book every document deposited under this Act or shall record the same at full length by means of photographic film reproduction.

Documents  
to be  
copied or  
microfilmed

2. Subsection 2 of section 5 of *The Custody of Documents Act* is repealed.

R.S.O. 1960,  
c. 85, s. 5,  
subs. 2,  
repealed

3. Section 6 of *The Custody of Documents Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 85, s. 6,  
re-enacted

6.—(1) The registrar with whom a deposit is made is entitled to the fees prescribed by the regulations.

Registrar's  
fees

(2) The prescribed fees shall be paid to the registrar at the time of the deposit by the person making the deposit.

Idem

4. Subsection 1 of section 7 of *The Custody of Documents Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 85, s. 7,  
subs. 1,  
re-enacted

(1) A receipt for payment of money on a registered instrument may be deposited in the registry office in which the instrument is registered.

Deposit of  
receipts

5. Subsection 4 of section 13 of *The Custody of Documents Act* is amended by striking out "the sum of 50 cents" in the third line and inserting in lieu thereof "the prescribed fee", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 85, s. 13,  
subs. 4,  
amended

Delivery  
under  
order

- (4) Upon the delivery to the registrar of the order or a duplicate thereof within six months after the date thereof, and upon payment to him of the prescribed fee, he shall deliver to the person mentioned therein the documents therein directed to be given to him, taking therefor his receipt or the receipt of his authorized agent.

R.S.O. 1960,  
c. 85,  
amended

**6.** *The Custody of Documents Act* is amended by adding thereto the following section:

Regulations

**14.** The Lieutenant Governor in Council may make regulations,

(a) respecting the books and records to be kept by registrars of deeds for the purposes of this Act;

(b) requiring the payment of fees to registrars of deeds upon the performance of any official function under this Act and prescribing the amounts thereof;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**7.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**8.** This Act may be cited as *The Custody of Documents Amendment Act, 1962-63*.









An Act to amend  
The Custody of Documents Act

---

*1st Reading*

November 30th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

---

Mr. Cass

---

## BILL 8

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Partnerships Registration Act

---

MR. CASS

---

EXPLANATORY NOTES

SECTION 1. The provisions fixing fees payable under the Act are deleted.

SECTION 2. This new section will authorize regulations to bring about uniform office practices with respect to books and records and to provide for fees.

BILL 8

1962-63

## An Act to amend The Partnerships Registration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 11 of *The Partnerships Registration Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 289, s. 11,  
subs. 2,  
re-enacted

(2) The registrar is entitled to such fees upon the performance of any official function under this Act as are prescribed by the regulations. Fees

(2) Subsection 6 of the said section 11 is repealed.

R.S.O. 1960,  
c. 289, s. 11,  
subs. 6,  
repealed

**2.** *The Partnerships Registration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 289,  
amended

15. The Lieutenant Governor in Council may make regulations, Regulations

(a) respecting the books and records to be kept by registrars of deeds for the purposes of this Act;

(b) requiring the payment of fees to registrars of deeds upon the performance of any official function under this Act and prescribing the amounts thereof;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**4.** This Act may be cited as *The Partnerships Registration Amendment Act, 1962-63*. Short title

An Act to amend  
The Partnerships Registration Act

---

*1st Reading*

November 30th, 1962

*2nd Reading*

*3rd Reading*

---

MR. CASS

---



## BILL 8

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Partnerships Registration Act

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Mr. CASS

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 8

1962-63

## An Act to amend The Partnerships Registration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 11 of *The Partnerships Registration Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 289, s. 11,  
subs. 2,  
re-enacted

(2) The registrar is entitled to such fees upon the performance of any official function under this Act as are prescribed by the regulations. Fees

(2) Subsection 6 of the said section 11 is repealed.

R.S.O. 1960,  
c. 289, s. 11,  
subs. 6,  
repealed

**2.** *The Partnerships Registration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 289,  
amended

**15.** The Lieutenant Governor in Council may make Regulations regulations,

- (a) respecting the books and records to be kept by registrars of deeds for the purposes of this Act;
- (b) requiring the payment of fees to registrars of deeds upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**4.** This Act may be cited as *The Partnerships Registration Amendment Act, 1962-63*. Short title

An Act to amend  
The Partnerships Registration Act

---

*1st Reading*

November 30th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

---

MR. CASS

---

## BILL 9

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Crown Attorneys Act

---

MR. CASS

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#### EXPLANATORY NOTES

Last session *The Crown Attorneys Act* was amended to authorize the Deputy Attorney General to appoint *pro tem* Crown attorneys when the Crown attorney is absent or ill or is unable to perform all his duties.

Section 1 of this Bill gives a similar authorization when the office of Crown attorney is vacant.

Section 2 of the Bill contains a complementary amendment and brings section 7 (4) of the Act into line with the new method of making *pro tem* appointments.



## BILL 9

1962-63

## An Act to amend The Crown Attorneys Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crown Attorneys Act*, as re-enacted by R.S.O. 1960, c. 82, s. 5, section 2 of *The Crown Attorneys Amendment Act, 1961-62*, (1961-62, c. 26, s. 2), is amended by adding thereto the following subsection: amended

(2) When there is a vacancy in the office of Crown attorney, the Deputy Attorney General may appoint a member of the Bar of Ontario to act *pro tem* as Crown attorney until the vacancy is filled by the Lieutenant Governor in Council. Idem

2. Subsection 4 of section 7 of *The Crown Attorneys Act* is amended by striking out "a judge of a county or district court" in the first and second lines and inserting in lieu thereof "the Deputy Attorney General", so that the subsection shall read as follows: R.S.O. 1960, c. 82, s. 7, subs. 4, amended

(4) Every Crown Attorney appointed *pro tem* by the Deputy Attorney General is entitled to the fees of his office, including the fees receivable from his office as clerk of the peace. Crown attorneys *pro tem*

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Crown Attorneys Amendment Act, 1962-63*. Short title

An Act to amend  
The Crown Attorneys Act

*1st Reading*

November 30th, 1962

*2nd Reading*

*3rd Reading*

MR. CASS

## BILL 9

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Crown Attorneys Act

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MR. CASS

---

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 9.

1962-63

## An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crown Attorneys Act*, as re-enacted by section 2 of *The Crown Attorneys Amendment Act, 1961-62*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 82, s. 5 (1961-62, c. 26, s. 2), amended

(2) When there is a vacancy in the office of Crown <sup>idem</sup> attorney, the Deputy Attorney General may appoint a member of the Bar of Ontario to act *pro tem* as Crown attorney until the vacancy is filled by the Lieutenant Governor in Council.

2. Subsection 4 of section 7 of *The Crown Attorneys Act* is amended by striking out "a judge of a county or district court" in the first and second lines and inserting in lieu thereof "the Deputy Attorney General", so that the subsection shall read as follows: R.S.O. 1960, c. 82, s. 7, subs. 4, amended

(4) Every Crown Attorney appointed *pro tem* by the Deputy Attorney General is entitled to the fees of <sup>Crown attorneys</sup> *pro tem* his office, including the fees receivable from his office as clerk of the peace.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Crown Attorneys Amendment Act, 1962-63*. Short title

An Act to amend  
The Crown Attorneys Act

---

*1st Reading*

November 30th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

---

Mr. Cass

---



## BILL 10

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to provide for the Rehabilitation and Development of Agricultural Lands in Rural Areas in Ontario

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MR. STEWART

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#### EXPLANATORY NOTE

The purpose of this Bill is to enable the Province of Ontario to enter into agreements with the Government of Canada concerning the carrying out, in rural areas in Ontario, of programmes of research and investigation and the providing of projects for the more effective use and economic development of lands, and for the development of income and employment opportunities and the improvement of standards of living, and for the development and conservation for agricultural purposes of soil and water resources.

BILL 10

1962-63

## An Act to provide for the Rehabilitation and Development of Agricultural Lands in Rural Areas in Ontario

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Directorate" means the Agricultural Rehabilitation and Development Directorate of Ontario;
- (b) "Minister" means the Minister of Agriculture;
- (c) "project" means a project for,
  - (i) the more efficient use and economic development of lands,
  - (ii) the development of income and employment opportunities in rural areas and improving standards of living in those areas, or
  - (iii) the development and conservation for agricultural purposes of water supplies and for soil improvement and conservation that will improve agricultural efficiency;
- (d) "research programme" means a programme of research and investigation respecting,
  - (i) the more effective use and economic development of lands,
  - (ii) the development of income and employment opportunities in rural areas and the improvement of standards of living in those areas, and

- (iii) the development and conservation for agricultural purposes of water supplies and for soil improvement and conservation;

(e) "Treasurer" means the Treasurer of Ontario.

Agricultural  
Rehabilita-  
tion and  
Development  
Directorate  
of Ontario

2.—(1) There shall be a directorate to be known as the "Agricultural Rehabilitation and Development Directorate of Ontario", which shall be a body corporate and shall be responsible to the Minister.

Composition  
of  
Directorate

(2) The Directorate shall consist of three or more members appointed by the Lieutenant Governor in Council.

Chairman,  
vice-  
chairman

(3) The Lieutenant Governor in Council shall designate one of the members of the Directorate as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Directorate constitutes a quorum, whether or not a vacancy exists in the membership of the Directorate.

Officers  
and  
employees

(5) The Lieutenant Governor in Council may appoint such officers, clerks and employees as are necessary for the conduct of the affairs of the Directorate.

Powers of  
Directorate

3.—(1) Subject to the approval of the Lieutenant Governor in Council, the Directorate has power,

- (a) to acquire or lease lands for the purpose of projects;
- (b) to equip and develop lands for projects;
- (c) to enter into agreements with persons for use of things or services provided under projects;
- (d) to carry out projects in respect of which agreements have been entered into by the Minister under this Act; and
- (e) to do such acts as are necessary or expedient for the carrying out of its operations and undertakings.

Power to  
borrow  
money and  
issue  
securities

(2) The Directorate has the power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and in such place or places as the Directorate determines.



(3) The Directorate, in carrying out its objects, has the powers set out in sections 22 and 288 of *The Corporations Act*. <sup>Additional powers R.S.O. 1960, c. 71</sup>

4.—(1) The Lieutenant Governor in Council may authorize the Treasurer for and on behalf of Ontario to guarantee the payment of any securities issued by the Directorate, the repayment of any advances made by chartered banks to the Directorate and the payment of any other indebtedness incurred by the Directorate. <sup>Provincial guarantee</sup>

(2) The form of any such guaranty and the manner of its execution shall be determined by the Lieutenant Governor in Council. <sup>Form of guaranty</sup>

5. All moneys received by the Directorate from the operation of its undertakings or otherwise shall be applied to, <sup>Application of moneys</sup>

(a) operating expenses;

(b) payment of interest on indebtedness; and

(c) a sinking fund established by the Treasurer for the repayment of securities guaranteed by the Treasurer under subsection 1 of section 4 and for the retirement of any other indebtedness of the Directorate,

and any surplus moneys remaining in any year after paying operating expenses and interest on indebtedness and repaying any part of the principal moneys payable in that year shall be used for reducing the cost of operating the projects or any of them, reducing the fees, rents or other charges charged or made by the Directorate or setting up of such reserve funds as the Directorate determines.

6. The fiscal year of the Directorate commences on the 1st day of April in each year and ends on the 31st day of March in the following year. <sup>Fiscal year</sup>

7.—(1) The Directorate shall make a report annually to the Minister including a report on all projects of the Directorate and the operations thereof and a financial statement certified by the Provincial Auditor and such other matters relating to the work of the Directorate as the Minister requires. <sup>Annual report</sup>

(2) A copy of the report shall be filed with the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. <sup>Tabling</sup>

## Audit

8. The accounts and financial transactions of the Directorate shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Directorate and to the Treasurer.

Agreement with Canada for efficient use and economic development of lands

9.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

- (a) the undertaking jointly by the Government of Ontario or any agency thereof with Canada of projects for the more efficient use and economic development of lands specified in the agreement; or
- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes of research and investigation

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation respecting the more effective use and economic development of lands in Ontario.

Agreement with Canada for development of income and employment opportunities and for improving standards of living in rural areas

10.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

- (a) the undertaking jointly on behalf of the Government of Ontario or any agency thereof with Canada of projects for the development of income and employment opportunities in rural areas specified in the agreement and for improving standards of living in those areas; or
- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes of research and investigation

(2) For the purpose of assisting the development of income and employment opportunities in rural areas in Ontario and the improvement of standards of living in those areas, the Minister may cause to be prepared and undertaken with Canada programmes of research and investigation, and may co-ordinate such programmes with other similar programmes being undertaken in Ontario.

Agreement with Canada for the development and conservation of water supplies and for soil improvement and conservation

11.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,



(a) the undertaking jointly with Canada of,

- (i) projects for the development and conservation of water supplies for agricultural purposes, and
- (ii) projects for soil improvement and conservation that will improve agricultural efficiency in Ontario or in any area thereof specified in the agreement; or

(b) the repayment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation for the development and conservation of water supplies and for soil improvement and conservation in Ontario.

**12.** Every agreement entered into by the Minister shall, Provisions to be included in agreements

- (a) specify the respective proportions of the cost of any project to which the agreement relates that shall be paid by the Governments of Canada and of Ontario or the contribution in respect of any such project that shall be paid by Canada;
- (b) specify the authority that shall be responsible for the undertaking, operation and maintenance of any project or any part thereof to which the agreement relates;
- (c) specify the respective proportions of the revenues from any project to which the agreement relates that are to be paid to Canada and to Ontario; and
- (d) specify the terms and conditions as to the operation and maintenance of any project to which the agreement relates and the charges, if any, to be charged to persons to whom any of the benefits of the project are made available.

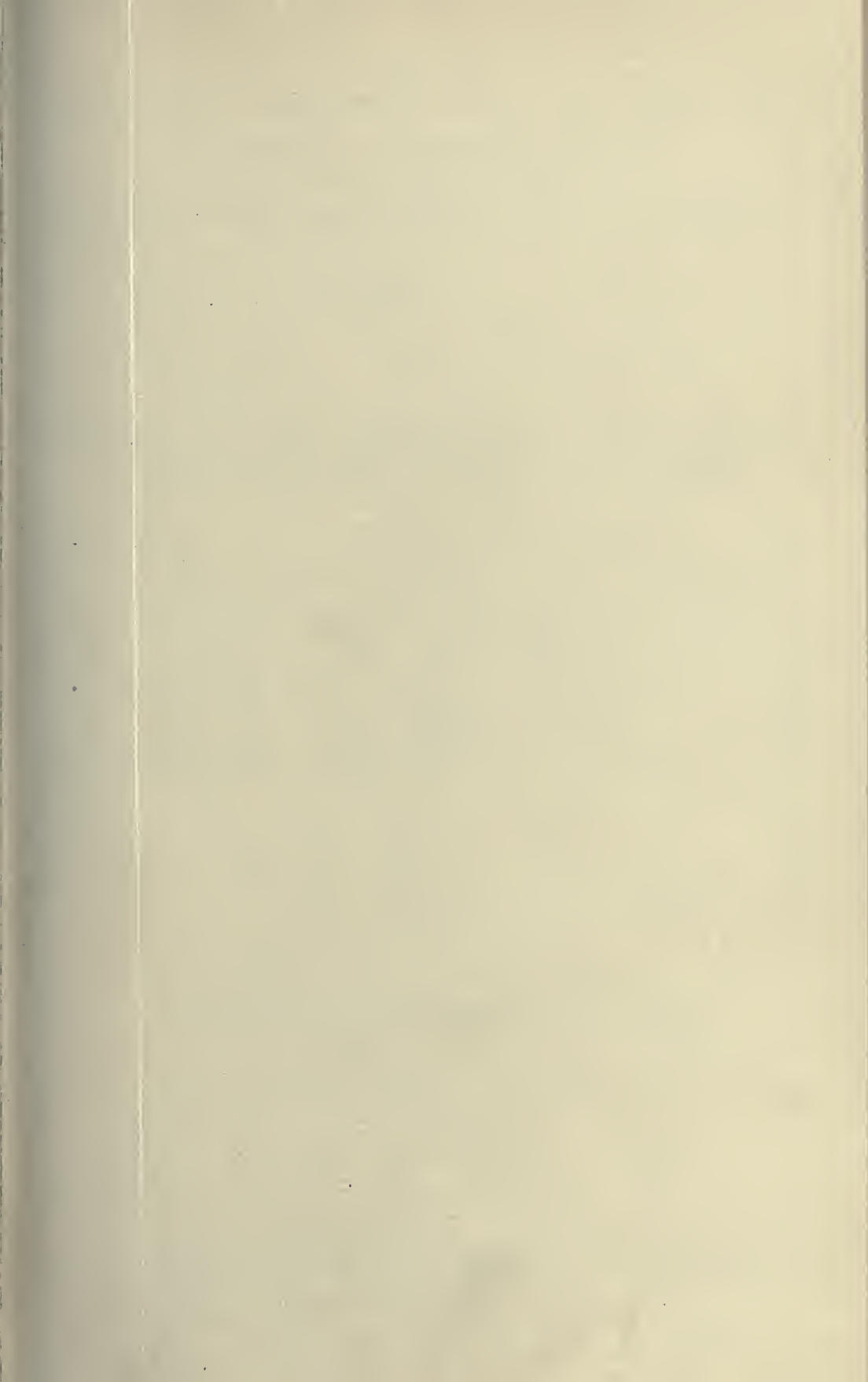
**13.** The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. Cost of administration

**Regulations** **14.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the establishment of advisory committees and the appointment of the members thereof and the payment of the remuneration and expenses of such members in the carrying out of their duties;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-  
ment** **15.** This Act comes into force on the day it receives Royal Assent.

**Short title** **16.** This Act may be cited as *The Agricultural Rehabilitation and Development Act (Ontario), 1962-63*.





Let  $\mathcal{F}$  be a family of subsets of  $X$ .  
 Let  $\mathcal{G}$  be a family of subsets of  $X$ .

Let  $\mathcal{F}$  be generated by the subalgebra  $\mathcal{A}$  of  $\mathcal{P}(X)$  and  $\mathcal{G}$  be a family of subsets of  $X$ .

Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by	Generated by

Let  $\mathcal{F}$  be a family of subsets of  $X$  and  $\mathcal{G}$  be a family of subsets of  $X$ .

Let  $\mathcal{F}$  be a family of subsets of  $X$  and  $\mathcal{G}$  be a family of subsets of  $X$ .  
 Let  $\mathcal{H}$  be a family of subsets of  $X$ .

An Act to provide for the Rehabilitation  
and Development of Agricultural Lands  
in Rural Areas in Ontario

---

*1st Reading*

November 30th, 1962

*2nd Reading*

*3rd Reading*

---

MR. STEWART

---



## BILL 10

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### **An Act to provide for the Rehabilitation and Development of Agricultural Lands in Rural Areas in Ontario**

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MR. STEWART

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*(Reprinted as amended by the Committee on Agriculture)*

#### EXPLANATORY NOTE

The purpose of this Bill is to enable the Province of Ontario to enter into agreements with the Government of Canada concerning the carrying out, in rural areas in Ontario, of programmes of research and investigation and the providing of projects for the more effective use and economic development of lands, and for the development of income and employment opportunities and the improvement of standards of living, and for the development and conservation for agricultural purposes of soil and water resources.

BILL 10

1962-63

**An Act to provide for the Rehabilitation and  
Development of Agricultural Lands in  
Rural Areas in Ontario**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "Directorate" means the Agricultural Rehabilitation and Development Directorate of Ontario;
- (b) "Minister" means the Minister of Agriculture;
- (c) "project" means a project for,
  - (i) the more efficient use and economic development of lands,
  - (ii) the development of income and employment opportunities in rural areas and improving standards of living in those areas, or
  - (iii) the development and conservation for agricultural purposes of water supplies and for soil improvement and conservation that will improve agricultural efficiency;
- (d) "research programme" means a programme of research and investigation respecting,
  - (i) the more effective use and economic development of lands,
  - (ii) the development of income and employment opportunities in rural areas and the improvement of standards of living in those areas, and

- (iii) the development and conservation for agricultural purposes of water supplies and for soil improvement and conservation;

(e) "Treasurer" means the Treasurer of Ontario.

Agricultural  
Rehabilita-  
tion and  
Development  
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of Ontario

2.—(1) There shall be a directorate to be known as the "Agricultural Rehabilitation and Development Directorate of Ontario", which shall be a body corporate and shall be responsible to the Minister.

Composition  
of  
Directorate

(2) The Directorate shall consist of three or more members appointed by the Lieutenant Governor in Council.

Chairman,  
vice-  
chairman

(3) The Lieutenant Governor in Council shall designate one of the members of the Directorate as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Directorate constitutes a quorum, whether or not a vacancy exists in the membership of the Directorate.

Officers  
and  
employees

(5) The Lieutenant Governor in Council may appoint such officers, clerks and employees as are necessary for the conduct of the affairs of the Directorate.

Powers of  
Directorate

3.—(1) Subject to the approval of the Lieutenant Governor in Council, the Directorate has power,

- (a) to acquire or lease lands for the purpose of projects;
- (b) to equip and develop lands for projects;
- (c) to enter into agreements with persons for use of things or services provided under projects;
- (d) to carry out projects in respect of which agreements have been entered into by the Minister under this Act; and
- (e) to do such acts as are necessary or expedient for the carrying out of its operations and undertakings.

Delegation  
of powers

(2) The Directorate may, in respect of any project, delegate to any department of the Government of Ontario, or to any municipal council, or to any authority under *The Conservation Authorities Act*, or to any board or commission the members of which are appointed by the Lieutenant Governor in Council, any or all of the powers of the Directorate under subsection 1.

R.S.O. 1960,  
c. 62

Power to  
borrow  
money and  
issue  
securities

(3) The Directorate has the power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal



and interest at such time or times and in such manner and in such place or places as the Directorate determines.

(4) The Directorate, in carrying out its objects, has the <sup>Additional powers</sup> powers set out in sections 22 and 288 of *The Corporations Act*. <sup>R.S.O. 1960, c. 71</sup>

4.—(1) The Lieutenant Governor in Council may authorize <sup>Provincial guarantee</sup> the Treasurer for and on behalf of Ontario to guarantee the payment of any securities issued by the Directorate, the repayment of any advances made by chartered banks to the Directorate and the payment of any other indebtedness incurred by the Directorate.

(2) The form of any such guaranty and the manner of its <sup>Form of guaranty</sup> execution shall be determined by the Lieutenant Governor in Council.

5. All moneys received by the Directorate from the opera- <sup>Application of moneys</sup> tion of its undertakings or otherwise shall be applied to,

- (a) operating expenses;
- (b) payment of interest on indebtedness; and
- (c) a sinking fund established by the Treasurer for the repayment of securities guaranteed by the Treasurer under subsection 1 of section 4 and for the retirement of any other indebtedness of the Directorate,

and any surplus moneys remaining in any year after paying operating expenses and interest on indebtedness and repaying any part of the principal moneys payable in that year shall be used for reducing the cost of operating the projects or any of them, reducing the fees, rents or other charges charged or made by the Directorate or setting up of such reserve funds as the Directorate determines.

6. The fiscal year of the Directorate commences on the 1st <sup>Fiscal year</sup> day of April in each year and ends on the 31st day of March in the following year.

7.—(1) The Directorate shall make a report annually to <sup>Annual report</sup> the Minister including a report on all projects of the Directorate and the operations thereof and a financial statement certified by the Provincial Auditor and such other matters relating to the work of the Directorate as the Minister requires.

(2) A copy of the report shall be filed with the Minister <sup>Tabling</sup> who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

8. The accounts and financial transactions of the Directorate shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Directorate and to the Treasurer.

Agreement with Canada for efficient use and economic development of lands

9.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

- (a) the undertaking jointly by the Government of Ontario or any agency thereof with Canada of projects for the more efficient use and economic development of lands specified in the agreement; or
- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes of research and investigation

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation respecting the more effective use and economic development of lands in Ontario.

Agreement with Canada for development of income and employment opportunities and for improving standards of living in rural areas

10.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

- (a) the undertaking jointly on behalf of the Government of Ontario or any agency thereof with Canada of projects for the development of income and employment opportunities in rural areas specified in the agreement and for improving standards of living in those areas; or
- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes of research and investigation

(2) For the purpose of assisting the development of income and employment opportunities in rural areas in Ontario and the improvement of standards of living in those areas, the Minister may cause to be prepared and undertaken with Canada programmes of research and investigation, and may co-ordinate such programmes with other similar programmes being undertaken in Ontario.

Agreement with Canada for the development and conservation of water supplies and for soil improvement and conservation

11.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,



- (a) the undertaking jointly with Canada of,
  - (i) projects for the development and conservation of water supplies for agricultural purposes, and
  - (ii) projects for soil improvement and conservation that will improve agricultural efficiency in Ontario or in any area thereof specified in the agreement; or
- (b) the repayment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation for the development and conservation of water supplies and for soil improvement and conservation in Ontario.

**12.** Every agreement entered into by the Minister shall, Provisions to be included in agreements

- (a) specify the respective proportions of the cost of any project to which the agreement relates that shall be paid by the Governments of Canada and of Ontario or the contribution in respect of any such project that shall be paid by Canada;
- (b) specify the authority that shall be responsible for the undertaking, operation and maintenance of any project or any part thereof to which the agreement relates;
- (c) specify the respective proportions of the revenues from any project to which the agreement relates that are to be paid to Canada and to Ontario; and
- (d) specify the terms and conditions as to the operation and maintenance of any project to which the agreement relates and the charges, if any, to be charged to persons to whom any of the benefits of the project are made available.

**13.** The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. Cost of administration

**Regulations**     **14.** The Lieutenant Governor in Council may make regulations,

(a) providing for the establishment of advisory committees and the appointment of the members thereof and the payment of the remuneration and expenses of such members in the carrying out of their duties;

(b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-  
ment**             **15.** This Act comes into force on the day it receives Royal Assent.

**Short title**        **16.** This Act may be cited as *The Agricultural Rehabilitation and Development Act (Ontario), 1962-63*.







An Act to provide for the Rehabilitation  
and Development of Agricultural Lands  
in Rural Areas in Ontario

---

*1st Reading*

November 30th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

---

MR. STEWART

---

(Reprinted as amended by the  
Committee on Agriculture)



# **BILL 10**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to provide for the Rehabilitation and Development of Agricultural Lands in Rural Areas in Ontario**

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MR. STEWART

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BILL 10

1962-63

## An Act to provide for the Rehabilitation and Development of Agricultural Lands in Rural Areas in Ontario

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Inter-  
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- (d) "research programme" means a programme of research and investigation respecting,
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- (c) to enter into agreements with persons for use of things or services provided under projects;
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- (e) to do such acts as are necessary or expedient for the carrying out of its operations and undertakings.

Delegation  
of powers

(2) The Directorate may, in respect of any project, delegate to any department of the Government of Ontario, or to any municipal council, or to any authority under *The Conservation Authorities Act*, or to any board or commission the members of which are appointed by the Lieutenant Governor in Council, any or all of the powers of the Directorate under subsection 1.

R.S.O. 1960,  
c. 62

Power to  
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money and  
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(3) The Directorate has the power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal



and interest at such time or times and in such manner and in such place or places as the Directorate determines.

(4) The Directorate, in carrying out its objects, has the <sup>Additional powers</sup> powers set out in sections 22 and 288 of *The Corporations Act*. <sup>R.S.O. 1960, c. 71</sup>

4.—(1) The Lieutenant Governor in Council may authorize <sup>Provincial guarantee</sup> the Treasurer for and on behalf of Ontario to guarantee the payment of any securities issued by the Directorate, the repayment of any advances made by chartered banks to the Directorate and the payment of any other indebtedness incurred by the Directorate.

(2) The form of any such guaranty and the manner of its <sup>Form of guaranty</sup> execution shall be determined by the Lieutenant Governor in Council.

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- (c) a sinking fund established by the Treasurer for the repayment of securities guaranteed by the Treasurer under subsection 1 of section 4 and for the retirement of any other indebtedness of the Directorate,

and any surplus moneys remaining in any year after paying operating expenses and interest on indebtedness and repaying any part of the principal moneys payable in that year shall be used for reducing the cost of operating the projects or any of them, reducing the fees, rents or other charges charged or made by the Directorate or setting up of such reserve funds as the Directorate determines.

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(2) A copy of the report shall be filed with the Minister <sup>Tabling</sup> who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

## Audit

8. The accounts and financial transactions of the Directorate shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Directorate and to the Treasurer.

Agreement  
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- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes  
of research  
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investigation

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation respecting the more effective use and economic development of lands in Ontario.

Agreement  
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development  
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and for  
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10.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,

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- (b) the payment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

Programmes  
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(2) For the purpose of assisting the development of income and employment opportunities in rural areas in Ontario and the improvement of standards of living in those areas, the Minister may cause to be prepared and undertaken with Canada programmes of research and investigation, and may co-ordinate such programmes with other similar programmes being undertaken in Ontario.

Agreement  
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development  
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11.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada providing for,



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(ii) projects for soil improvement and conservation that will improve agricultural efficiency in Ontario or in any area thereof specified in the agreement; or

(b) the repayment to Ontario of contributions in respect of the cost of such projects undertaken by Ontario or any agency thereof.

(2) The Minister may cause to be prepared and undertaken directly or in co-operation with Canada programmes of research and investigation for the development and conservation of water supplies and for soil improvement and conservation in Ontario. Programmes  
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**12.** Every agreement entered into by the Minister shall, Provisions  
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**13.** The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. Cost of  
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**Regulations** **14.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the establishment of advisory committees and the appointment of the members thereof and the payment of the remuneration and expenses of such members in the carrying out of their duties;
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**Commence-  
ment** **15.** This Act comes into force on the day it receives Royal Assent.

**Short title** **16.** This Act may be cited as *The Agricultural Rehabilitation and Development Act (Ontario)*, 1962-63.







An Act to provide for the Rehabilitation  
and Development of Agricultural Lands  
in Rural Areas in Ontario

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*1st Reading*

November 30th, 1962

*2nd Reading*

December 6th, 1962

*3rd Reading*

December 19th, 1962

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MR. STEWART

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# **BILL 11**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act to amend The Indian Welfare Services Act**

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MR. CECILE

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OFFICE OF THE SECRETARY OF THE INTERIOR  
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

#### EXPLANATORY NOTE

At the present time, the Act permits the payment of mothers' allowances only to an Indian mother who is a widow or whose husband is dependent.

The amendment extends all the benefits of *The Mothers' Allowances Act* to Indian mothers on the same basis as other mothers.

BILL 11

1962-63

## An Act to amend The Indian Welfare Services Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Indian Welfare Services Act* is amended R.S.O. 1960, c. 133, s. 2, amended by inserting after "Act" where it appears the first time in the third line "*The Mothers' Allowances Act*", so that the section shall read as follows:
  2. Every Indian resident in Ontario is entitled to the Indians eligible for welfare benefits benefits of *The Blind Persons' Allowances Act*, *The Disabled Persons' Allowances Act*, *The Mothers' Allowances Act* and *The Old Age Assistance Act* to R.S.O. 1960, cc. 35, 107, 247, 267 the same extent as any other person.
2. Section 3 of *The Indian Welfare Services Act* is repealed. R.S.O. 1960, c. 133, s. 3, repealed
3. This Act comes into force on the day it receives Royal Commence-  
ment Assent.
4. This Act may be cited as *The Indian Welfare Services* Short title *Amendment Act, 1962-63*.

An Act to amend  
The Indian Welfare Services Act

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*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# BILL 11

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Indian Welfare Services Act

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MR. CECILE

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THE LONDON AND LANCASHIRE  
NAVIGATION CO. LTD.

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THE LONDON AND LANCASHIRE  
NAVIGATION CO. LTD.



BILL 11

1962-63

## An Act to amend The Indian Welfare Services Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Indian Welfare Services Act* is amended <sup>R.S.O. 1960,  
c. 183, s. 2,  
amended</sup> by inserting after "Act" where it appears the first time in the third line "*The Mothers' Allowances Act*", so that the section shall read as follows:
  2. Every Indian resident in Ontario is entitled to the <sup>Indians  
eligible  
for welfare  
benefits</sup> benefits of *The Blind Persons' Allowances Act*, *The Disabled Persons' Allowances Act*, *The Mothers' Allowances Act* and *The Old Age Assistance Act* to <sup>R.S.O. 1960,  
cc. 35, 107,  
247, 267</sup> the same extent as any other person.
2. Section 3 of *The Indian Welfare Services Act* is repealed. <sup>R.S.O. 1960,  
c. 183, s. 3,  
repealed</sup>
3. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.
4. This Act may be cited as *The Indian Welfare Services* <sup>Short title</sup> *Amendment Act, 1962-63*.

# An Act to amend The Indian Welfare Services Act

*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

December 19th, 1962

Mr. Cecile

# **BILL 12**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Mothers' and Dependent Children's Allowances Act**

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**MR. CECILE**

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The Bill removes from the application of the Act the cases where need arises because of a permanently unemployable father. This enables these cases to be dealt with under *The General Welfare Assistance Act* and to be included in agreements with the Government of Canada under that Act.

BILL 12

1962-63

## An Act to amend The Mothers' and Dependent Children's Allowances Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Mothers' and Dependent Children's Allowances Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 247,  
amended

### THE MOTHERS' ALLOWANCES ACT

2.—(1) Clause *c* of section 1 of *The Mothers' and Dependent Children's Allowances Act* is amended by striking out "or his dependent father" in the third line, so that the clause shall read as follows: R.S.O. 1960,  
c. 247, s. 1,  
cl. c,  
amended

(c) "dependent child" means a person who is under eighteen years of age and who resides with his mother in Ontario.

(2) Clause *d* of the said section 1 is repealed.

R.S.O. 1960,  
c. 247, s. 1,  
cl. d,  
repealed

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 247, s. 1,  
cl. g,  
re-enacted

(g) "field worker" means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such.

3.—(1) Subclause ii of clause *a* of section 2 of *The Mothers' and Dependent Children's Allowances Act* is repealed.

R.S.O. 1960,  
c. 247, s. 2,  
cl. a,  
subcl. ii,  
repealed

(2) Clause *b* of the said section 2 is repealed.

R.S.O. 1960,  
c. 247, s. 2,  
cl. b,  
repealed

(3) The said section 2 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 247, s. 2,  
amended



Child  
attending  
secondary  
school  
deemed  
dependent

(2) A child who,

- (a) is more than eighteen years of age;
- (b) resides with his mother in Ontario;
- (c) attends a secondary school; and
- (d) in the opinion of the principal of the school and the Director, is making satisfactory progress with his studies,

shall be deemed to be a dependent child for the purposes of this Act.

R.S.O. 1960,  
c. 247, s. 6,  
re-enacted

4. Section 6 of *The Mothers' and Dependent Children's Allowances Act* is repealed and the following substituted therefor:

Continuation  
of allowances  
in desertion  
cases

- 6. Where a recipient has qualified for an allowance under subclause iii of clause *a* of subsection 1 of section 2 and the deserting husband is later found, a regional administrator may, in his discretion, continue payment of the allowance for a period of not more than three months from the first day of the month following the month in which he is found.

R.S.O. 1960,  
c. 247, s. 13,  
cl. *a*,  
repealed

5. Clause *a* of section 13 of *The Mothers' and Dependent Children's Allowances Act* is repealed.

Commence-  
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Mothers' and Dependent Children's Allowances Amendment Act, 1962-63*.









An Act to amend 'The Mothers' and  
Dependent Children's Allowances Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

---

MR. CECILE

---

## BILL 12

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Mothers' and Dependent Children's Allowances Act

---

MR. CECILE

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BILL 12

1962-63

## An Act to amend The Mothers' and Dependent Children's Allowances Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Mothers' and Dependent Children's Allowances Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 247,  
amended

### THE MOTHERS' ALLOWANCES ACT

2.—(1) Clause *c* of section 1 of *The Mothers' and Dependent Children's Allowances Act* is amended by striking out "or his dependent father" in the third line, so that the clause shall read as follows: R.S.O. 1960,  
c. 247, s. 1,  
cl. c,  
amended

(c) "dependent child" means a person who is under eighteen years of age and who resides with his mother in Ontario.

(2) Clause *d* of the said section 1 is repealed.

R.S.O. 1960,  
c. 247, s. 1,  
cl. d,  
repealed

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 247, s. 1,  
cl. g,  
re-enacted

(g) "field worker" means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such.

3.—(1) Subclause *ii* of clause *a* of section 2 of *The Mothers' and Dependent Children's Allowances Act* is repealed.

R.S.O. 1960,  
c. 247, s. 2,  
cl. a,  
subcl. ii,  
repealed

(2) Clause *b* of the said section 2 is repealed.

R.S.O. 1960,  
c. 247, s. 2,  
cl. b,  
repealed

(3) The said section 2 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 247, s. 2,  
amended

Child  
attending  
secondary  
school  
deemed  
dependent

(2) A child who,

- (a) is more than eighteen years of age;
- (b) resides with his mother in Ontario;
- (c) attends a secondary school; and
- (d) in the opinion of the principal of the school and the Director, is making satisfactory progress with his studies,

shall be deemed to be a dependent child for the purposes of this Act.

R.S.O. 1960,  
c. 247, s. 6,  
re-enacted

4. Section 6 of *The Mothers' and Dependent Children's Allowances Act* is repealed and the following substituted therefor:

Continuation  
of allowances  
in desertion  
cases

6. Where a recipient has qualified for an allowance under subclause iii of clause *a* of subsection 1 of section 2 and the deserting husband is later found, a regional administrator may, in his discretion, continue payment of the allowance for a period of not more than three months from the first day of the month following the month in which he is found.

R.S.O. 1960,  
c. 247, s. 13,  
cl. *a*,  
repealed

5. Clause *a* of section 13 of *The Mothers' and Dependent Children's Allowances Act* is repealed.

Commence-  
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Mothers' and Dependent Children's Allowances Amendment Act, 1962-63*.







An Act to amend 'The Mothers' and  
Dependent Children's Allowances Act

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

December 19th, 1962

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MR. CECILE

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# **BILL 13**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The General Welfare Assistance Act**

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**MR. CECILE**

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#### EXPLANATORY NOTE

This Bill is complementary to the Bill to amend *The Mothers' and Dependent Children's Allowances Act* which removes from the application of that Act cases where need arises because of a permanently unemployable father. The amendments in the Bill provide the provisions necessary for the Province to pay assistance directly in these cases without municipal participation. Payment of the assistance under *The General Welfare Assistance Act* will enable the costs to be included in agreements with the Government of Canada.

BILL 13

1962-63

## An Act to amend The General Welfare Assistance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The General Welfare Assistance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 164, s. 1,  
amended

(ba) "field worker" means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such.

(2) Subclause iii of clause e of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 1,  
cl. e,  
subcl. iii,  
re-enacted

(iii) who is a beneficiary or recipient under *The Mothers' Allowances Act*, or R.S.O. 1960,  
c. 247

. . . . .

2. Subsection 2 of section 4 of *The General Welfare Assistance Act* is repealed. R.S.O. 1960,  
c. 164, s. 4,  
subs. 2,  
repealed

3. Section 6 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 6,  
re-enacted

6. The Director, every municipal welfare administrator or any of the assistants of the municipal welfare administrator authorized by the council of the municipality, every regional welfare administrator, every welfare allowances officer and every field worker is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Power to  
take  
affidavits

R.S.O. 1960,  
c. 59

4. Section 7 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 7,  
re-enacted

Duty of  
municipalities to  
provide  
assistance

7. Subject to section 7*a*, a municipality shall provide assistance to the persons who reside in the municipality and who are eligible for such assistance.

Duty of  
Province  
to provide  
assistance

7*a*.—(1) The Province,

- (*a*) shall provide assistance to the persons who reside in territory without municipal organization and who are eligible for such assistance; and
- (*b*) may provide assistance to such other eligible persons as the regulations prescribe.

Duties of  
regional  
welfare  
administrator

- (2) For the purposes of subsection 1, a regional welfare administrator shall,

- (*a*) receive applications for assistance;
- (*b*) determine the eligibility of each applicant for assistance; and
- (*c*) where the applicant is eligible, determine the amount of assistance, having regard to the financial need of the applicant and in accordance with the regulations, and direct payment accordingly, and may from time to time vary any amount so determined.

Assistance  
in special  
circumstances

- (3) Where cases under clause *b* of subsection 1 present special circumstances and investigation shows the advisability of assistance being paid to an applicant who is not strictly eligible for such assistance, the Lieutenant Governor in Council may direct that assistance be paid to the applicant.

Allowance  
may be  
varied

- (4) A regional welfare administrator may determine the amount of any assistance directed to be paid under subsection 3 and may from time to time vary the amount so determined.

Regulations

- (5) For the purposes of clause *b* of subsection 1, the Lieutenant Governor in Council may make regulations,

- (*a*) prescribing the persons to whom the Province may provide assistance and determining the maximum amounts of assistance that may be paid;



- (b) establishing a medical advisory board consisting of one or more persons and prescribing its powers and duties;
- (c) establishing a board of review consisting of the Director of the Welfare Allowances Branch as chairman and two or more other persons and prescribing its powers and duties;
- (d) prescribing the powers and duties of field workers.

5. Clause *d* of section 9 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 9,  
cl. d,  
re-enacted

- (d) supplementing the liabilities mentioned in section 7 or 7a, prescribing the circumstances under which there is a liability to pay assistance, a right to a contribution or a right to reimbursement and providing procedures therefor and for determining the maximum amounts or percentages thereof.

6. Section 11 of *The General Welfare Assistance Act* is amended by inserting after "of" in the first line "assistance or", R.S.O. 1960,  
c. 164, s. 11,  
amended so that the section shall read as follows:

- 11. The Provincial cost of assistance or any public works measure undertaken under any agreement under section 2 and the expenses of the administration of this Act are payable out of the moneys appropriated therefor by the Legislature.

7. *The General Welfare Assistance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 164,  
amended

- 12.—(1) No person shall knowingly obtain or receive assistance that he is not entitled to obtain or receive under this Act and the regulations. Offences
- (2) No person shall knowingly aid or abet another person to obtain or receive assistance that such other person is not entitled to obtain or receive under this Act and the regulations. Idem
- (3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment. Idem

Transitional  
provision  
R.S.O. 1960,  
co. 164, 247

**8.** Where a person to whom clause *b* of subsection 1 of section 7a of *The General Welfare Assistance Act* applies is a dependent father under *The Mothers' Allowances Act* when this Act comes into force, he shall, if eligible therefor, be paid assistance under this Act, and his eligibility therefor shall be determined in so far as may be possible in accordance with the information contained in the application and other documents on file under *The Mothers' Allowances Act*.

Commence-  
ment

**9.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**10.** This Act may be cited as *The General Welfare Assistance Amendment Act, 1962-63*.





An Act to amend  
The General Welfare Assistance Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# **BILL 13**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

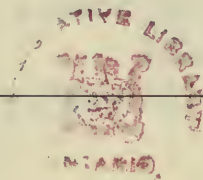
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## **An Act to amend The General Welfare Assistance Act**

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MR. CECILE

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BILL 13

1962-63

## An Act to amend The General Welfare Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The General Welfare Assistance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 164, s. 1,  
amended

(ba) “field worker” means a person employed as such by the Department of Public Welfare or any other employee of the Department whom the Minister designates as such.

(2) Subclause iii of clause *e* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 1,  
cl. *e*,  
subcl. iii,  
re-enacted

(iii) who is a beneficiary or recipient under *The Mothers' Allowances Act*, or R.S.O. 1960,  
c. 247

. . . . .

2. Subsection 2 of section 4 of *The General Welfare Assistance Act* is repealed. R.S.O. 1960,  
c. 164, s. 4,  
subs. 2,  
repealed

3. Section 6 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 6,  
re-enacted

6. The Director, every municipal welfare administrator or any of the assistants of the municipal welfare administrator authorized by the council of the municipality, every regional welfare administrator, every welfare allowances officer and every field worker is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Power to  
take  
affidavits

R.S.O. 1960,  
c. 59

4. Section 7 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 7,  
re-enacted

Duty of municipalities to provide assistance

7. Subject to section 7a, a municipality shall provide assistance to the persons who reside in the municipality and who are eligible for such assistance.

Duty of Province to provide assistance

7a.—(1) The Province,

(a) shall provide assistance to the persons who reside in territory without municipal organization and who are eligible for such assistance; and

(b) may provide assistance to such other eligible persons as the regulations prescribe.

Duties of regional welfare administrator

- (2) For the purposes of subsection 1, a regional welfare administrator shall,

(a) receive applications for assistance;

(b) determine the eligibility of each applicant for assistance; and

(c) where the applicant is eligible, determine the amount of assistance, having regard to the financial need of the applicant and in accordance with the regulations, and direct payment accordingly, and may from time to time vary any amount so determined.

Assistance in special circumstances

- (3) Where cases under clause *b* of subsection 1 present special circumstances and investigation shows the advisability of assistance being paid to an applicant who is not strictly eligible for such assistance, the Lieutenant Governor in Council may direct that assistance be paid to the applicant.

Allowance may be varied

- (4) A regional welfare administrator may determine the amount of any assistance directed to be paid under subsection 3 and may from time to time vary the amount so determined.

Regulations

- (5) For the purposes of clause *b* of subsection 1, the Lieutenant Governor in Council may make regulations,

(a) prescribing the persons to whom the Province may provide assistance and determining the maximum amounts of assistance that may be paid;



- (b) establishing a medical advisory board consisting of one or more persons and prescribing its powers and duties;
- (c) establishing a board of review consisting of the Director of the Welfare Allowances Branch as chairman and two or more other persons and prescribing its powers and duties;
- (d) prescribing the powers and duties of field workers.

5. Clause *d* of section 9 of *The General Welfare Assistance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 164, s. 9,  
cl. d,  
re-enacted

- (d) supplementing the liabilities mentioned in section 7 or 7a, prescribing the circumstances under which there is a liability to pay assistance, a right to a contribution or a right to reimbursement and providing procedures therefor and for determining the maximum amounts or percentages thereof.

6. Section 11 of *The General Welfare Assistance Act* is amended by inserting after "of" in the first line "assistance or", so that the section shall read as follows: R.S.O. 1960,  
c. 164, s. 11,  
amended

- 11. The Provincial cost of assistance or any public works measure undertaken under any agreement under section 2 and the expenses of the administration of this Act are payable out of the moneys appropriated therefor by the Legislature.

7. *The General Welfare Assistance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 164,  
amended

- 12.—(1) No person shall knowingly obtain or receive assistance that he is not entitled to obtain or receive under this Act and the regulations. Offences
- (2) No person shall knowingly aid or abet another person to obtain or receive assistance that such other person is not entitled to obtain or receive under this Act and the regulations. Idem
- (3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment. Idem

Transitional  
provision  
R.S.O. 1960,  
oc. 164, 247

**8.** Where a person to whom clause *b* of subsection 1 of section 7*a* of *The General Welfare Assistance Act* applies is a dependent father under *The Mothers' Allowances Act* when this Act comes into force, he shall, if eligible therefor, be paid assistance under this Act, and his eligibility therefor shall be determined in so far as may be possible in accordance with the information contained in the application and other documents on file under *The Mothers' Allowances Act*.

Commence-  
ment

**9.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**10.** This Act may be cited as *The General Welfare Assistance Amendment Act, 1962-63*.



An Act to amend  
The General Welfare Assistance Act

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

December 19th, 1962

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MR. CECILE

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# **BILL 14**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act respecting Children's Institutions**

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**MR. CECILE**

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#### EXPLANATORY NOTE

*The Charitable Institutions Act* is divided into *The Children's Institutions Act, 1962-63* applying to children's institutions and *The Charitable Institutions Act, 1962-63* applying to other institutions.

This Bill in general is similar to *The Charitable Institutions Act*. The provincial contribution to children's institutions for the construction or acquisition of buildings is unchanged but the basis for the provincial subsidy for operating costs is changed from a flat rate of \$8 per month in respect of each child to 50 per cent of the net cost of the care of children for whom the cost is otherwise unpaid, up to the maximums prescribed by the regulations.



## BILL 14

1962-63

## An Act respecting Children's Institutions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "child" means a person under twenty-one years of age;
- (b) "children's institution" means a building or buildings maintained and operated by an approved corporation for children requiring sheltered, specialized or group care, but does not include,
  - (i) a charitable institution under *The Charitable Institutions Act, 1962-63*, 1962-63,  
c. ...
  - (ii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, R.S.O. 1960,  
c. 54
  - (iii) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1960,  
c. 56
  - (iv) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*, R.S.O. 1960,  
c. 53
  - (v) a day nursery established and operated under *The Day Nurseries Act*, R.S.O. 1960,  
c. 87
  - (vi) a house that is registered under *The Maternity Boarding Houses Act*, R.S.O. 1960,  
c. 231
  - (vii) an institution under *The Mental Hospitals Act*, R.S.O. 1960,  
c. 236
  - (viii) a private hospital under *The Private Hospitals Act*, R.S.O. 1960,  
c. 305

R.S.O. 1960,  
c. 307

(ix) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1960,  
c. 315

(x) a psychiatric hospital under *The Psychiatric Hospitals Act*,

R.S.O. 1960,  
c. 322

(xi) a hospital under *The Public Hospitals Act*,

R.S.O. 1960,  
c. 359

(xii) a sanatorium under *The Sanatoria for Consumptives Act*;

(c) "Minister" means the Minister of Public Welfare;

(d) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(e) "regulations" means the regulations made under this Act.

Approval of  
corporations

**2.** The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,  
c. 71

Approval of  
children's  
institutions

**3.** The Lieutenant Governor in Council may approve children's institutions for the purposes of this Act.

Restrictions  
upon  
approved  
corporations

**4.—(1)** No approved corporation shall,

(a) maintain or operate any building or part thereof as a children's institution until the building is approved under section 3;

(b) change its name or the name of any children's institution maintained and operated by it without the written approval of the Minister;

(c) erect a new building to be used as a children's institution until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a children's institution until the plans thereof are approved by the Minister in writing;

(d) purchase or otherwise acquire any building to be used by it as a children's institution without the written approval of the Minister; or

- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any children's institution in respect of which the approved corporation has received payment of a grant under section 5 or 6 of this Act or under section 7 or 8 of *The Charitable Institutions Act*, being chapter 51 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, without the written approval of the Minister.

(2) No by-law of an approved corporation with respect to a children's institution has force or effect until it is approved by the Minister in writing. Approval  
of by-laws

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser. Grants for  
construction  
of buildings  
or additions

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser. Grants for  
acquisition  
of buildings

7. Subject to section 8, where a child is admitted to or is residing in a children's institution and, Subsidy for  
operating  
and  
maintenance  
costs

- (a) the financial circumstances of the person or persons in whose charge the child is, as determined by the regulations, do not permit the person or persons to pay in full for the cost of the care and maintenance of the child in the institution;

- (b) the child is not in the care and custody of a children's aid society under *The Child Welfare Act*; and R.S.O. 1960,  
c. 53



- (c) the cost or any part thereof is paid by the approved corporation that maintains and operates the institution,

there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of the child in the institution, or 50 per cent of the maximum amount to which the Province may contribute as prescribed by the regulations, whichever is the lesser.

**Residence**

**8.—**(1) An amount shall not be paid under section 7 in respect of a child unless the child has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the children's institution but,

- (a) where the child has not so resided because of the operation of subsection 2 or because he is less than one year of age, the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months immediately before the date of the admission of the child to the institution, or
- (b) where the child or the person in whose charge he is has not resided in Ontario as required by clause *a* because of the operation of subsection 2, the child or the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months before the admission of the child or the person to a place mentioned in subsection 2.

**Idem**

(2) In computing periods of residence under subsection 1, any period of time during which the child or the person in whose charge he is was a patient or resident in a hospital, sanatorium, nursing home, children's institution, home for the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**Inspection  
of children's  
institutions**

**9.—**(1) A provincial supervisor shall inspect every children's institution and examine the books of account and any other records of the institution at least once each year, but he may inspect any children's institution or examine the books of account and the other records at any time.

(2) A provincial supervisor may inspect the books of account and other records of an approved corporation that pertain to children's institutions. <sup>Inspection of records of approved corporation</sup>

**10.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. <sup>Revocation and suspension of approvals</sup>

**11.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) specifying the corporations and the children's institutions that are approved for the purposes of this Act and establishing classes of children's institutions;
- (b) establishing an advisory board consisting of not more than three persons and prescribing its duties;
- (c) prescribing rules governing children's institutions or any class thereof and the conduct of the children cared for therein and the staffs thereof;
- (d) governing the admission of children to children's institutions or to any class thereof and prescribing the kinds of children that may be cared for in any class of children's institutions and the care or treatment to be provided therein;
- (e) governing the qualifications and the powers and duties of the members of the staffs of children's institutions or any class thereof;
- (f) requiring and prescribing medical and other related or ancillary services for the care and treatment of children in children's institutions or in any class thereof;
- (g) prescribing additional qualifications for the establishment of residence for the purpose of section 8;
- (h) governing applications by approved corporations for payments under this Act and prescribing the method, time and manner of payment;
- (i) prescribing the manner of computing the cost to approved corporations for the purposes of sections 5 and 6;
- (j) prescribing financial circumstances for the purposes of clause a of section 7;

- (k) prescribing the maximum amount for each class of children's institutions to which the Province may contribute to the net cost of the care of a child therein for the purposes of section 7;
- (l) prescribing the manner of computing the net cost of the care of a child in a children's institution for the purposes of section 7;
- (m) prescribing the records to be kept by approved corporations and children's institutions, the claims and returns to be made to the Minister by approved corporations with respect to children's institutions and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (n) providing for the recovery by an approved corporation or the Province from the person or persons in whose charge a child is or from the estate of such person or persons of any amount paid by the corporation or by the Province to the corporation for the cost of the care and maintenance of the child in a children's institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (o) prescribing additional powers and duties of provincial supervisors;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

#### Moneys

**12.** The moneys required for the purposes of sections 5, 6 and 7 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

#### Commence- ment

**13.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

#### Short title

**14.** This Act may be cited as *The Children's Institutions Act, 1962-63*.









An Act respecting Children's Institutions

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*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

---

MR. CECILE

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# **BILL 14**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act respecting Children's Institutions**

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MR. CECILE

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THE BOARD OF TRADE, CHAMBERS, LONDON  
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

For the respective children's institutions

THE BOARD



BILL 14

1962-63

## An Act respecting Children's Institutions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "child" means a person under twenty-one years of age;
- (b) "children's institution" means a building or buildings maintained and operated by an approved corporation for children requiring sheltered, specialized or group care, but does not include,
  - (i) a charitable institution under *The Charitable Institutions Act, 1962-63*, R.S.O. 1960, c. 54
  - (ii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, R.S.O. 1960, c. 54
  - (iii) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1960, c. 56
  - (iv) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*, R.S.O. 1960, c. 53
  - (v) a day nursery established and operated under *The Day Nurseries Act*, R.S.O. 1960, c. 87
  - (vi) a house that is registered under *The Maternity Boarding Houses Act*, R.S.O. 1960, c. 231
  - (vii) an institution under *The Mental Hospitals Act*, R.S.O. 1960, c. 236
  - (viii) a private hospital under *The Private Hospitals Act*, R.S.O. 1960, c. 305

R.S.O. 1960,  
c. 307

(ix) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1960,  
c. 315

(x) a psychiatric hospital under *The Psychiatric Hospitals Act*,

R.S.O. 1960,  
c. 322

(xi) a hospital under *The Public Hospitals Act*,

R.S.O. 1960,  
c. 359

(xii) a sanatorium under *The Sanatoria for Consumptives Act*;

(c) "Minister" means the Minister of Public Welfare;

(d) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(e) "regulations" means the regulations made under this Act.

Approval of  
corporations

2. The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,  
c. 71

Approval of  
children's  
institutions

3. The Lieutenant Governor in Council may approve children's institutions for the purposes of this Act.

Restrictions  
upon  
approved  
corporations

4.—(1) No approved corporation shall,

(a) maintain or operate any building or part thereof as a children's institution until the building is approved under section 3;

(b) change its name or the name of any children's institution maintained and operated by it without the written approval of the Minister;

(c) erect a new building to be used as a children's institution until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a children's institution until the plans thereof are approved by the Minister in writing;

(d) purchase or otherwise acquire any building to be used by it as a children's institution without the written approval of the Minister; or

- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any children's institution in respect of which the approved corporation has received payment of a grant under section 5 or 6 of this Act or under section 7 or 8 of *The Charitable Institutions Act*, being chapter 51 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, without the written approval of the Minister.

(2) No by-law of an approved corporation with respect to a children's institution has force or effect until it is approved by the Minister in writing. Approval  
of by-laws

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser. Grants for  
construction  
of buildings  
or additions

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser. Grants for  
acquisition  
of buildings

7. Subject to section 8, where a child is admitted to or is residing in a children's institution and, Subsidy for  
operating  
and  
maintenance  
costs

- (a) the financial circumstances of the person or persons in whose charge the child is, as determined by the regulations, do not permit the person or persons to pay in full for the cost of the care and maintenance of the child in the institution;

- (b) the child is not in the care and custody of a children's aid society under *The Child Welfare Act*; and

R.S.O. 1960,  
c. 53



- (c) the cost or any part thereof is paid by the approved corporation that maintains and operates the institution,

there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of the child in the institution, or 50 per cent of the maximum amount to which the Province may contribute as prescribed by the regulations, whichever is the lesser.

**Residence**

**8.—(1)** An amount shall not be paid under section 7 in respect of a child unless the child has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the children's institution, but,

- (a) where the child has not so resided because of the operation of subsection 2 or because he is less than one year of age, the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months immediately before the date of the admission of the child to the institution, or

- (b) where the child or the person in whose charge he is has not resided in Ontario as required by clause a because of the operation of subsection 2, the child or the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months before the admission of the child or the person to a place mentioned in subsection 2.

**Idem**

(2) In computing periods of residence under subsection 1, any period of time during which the child or the person in whose charge he is was a patient or resident in a hospital, sanatorium, nursing home, children's institution, home for the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**Inspection  
of children's  
institutions**

**9.—(1)** A provincial supervisor shall inspect every children's institution and examine the books of account and any other records of the institution at least once each year, but he may inspect any children's institution or examine the books of account and the other records at any time.

(2) A provincial supervisor may inspect the books of account and other records of an approved corporation that pertain to children's institutions. <sup>Inspection of records of approved corporation</sup>

**10.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. <sup>Revocation and suspension of approvals</sup>

**11.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) specifying the corporations and the children's institutions that are approved for the purposes of this Act and establishing classes of children's institutions;
- (b) establishing an advisory board consisting of not more than three persons and prescribing its duties;
- (c) prescribing rules governing children's institutions or any class thereof and the conduct of the children cared for therein and the staffs thereof;
- (d) governing the admission of children to children's institutions or to any class thereof and prescribing the kinds of children that may be cared for in any class of children's institutions and the care or treatment to be provided therein;
- (e) governing the qualifications and the powers and duties of the members of the staffs of children's institutions or any class thereof;
- (f) requiring and prescribing medical and other related or ancillary services for the care and treatment of children in children's institutions or in any class thereof;
- (g) prescribing additional qualifications for the establishment of residence for the purpose of section 8;
- (h) governing applications by approved corporations for payments under this Act and prescribing the method, time and manner of payment;
- (i) prescribing the manner of computing the cost to approved corporations for the purposes of sections 5 and 6;
- (j) prescribing financial circumstances for the purposes of clause *a* of section 7;

- (k) prescribing the maximum amount for each class of children's institutions to which the Province may contribute to the net cost of the care of a child therein for the purposes of section 7;
- (l) prescribing the manner of computing the net cost of the care of a child in a children's institution for the purposes of section 7;
- (m) prescribing the records to be kept by approved corporations and children's institutions, the claims and returns to be made to the Minister by approved corporations with respect to children's institutions and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (n) providing for the recovery by an approved corporation or the Province from the person or persons in whose charge a child is or from the estate of such person or persons of any amount paid by the corporation or by the Province to the corporation for the cost of the care and maintenance of the child in a children's institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (o) prescribing additional powers and duties of provincial supervisors;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Moneys**

**12.** The moneys required for the purposes of sections 5, 6 and 7 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

**Commence-  
ment**

**13.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**14.** This Act may be cited as *The Children's Institutions Act, 1962-63*.









An Act respecting Children's Institutions

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

April 26th, 1963

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MR. CECILE

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# **BILL 15**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **The Charitable Institutions Act, 1962-63**

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**MR. CECILE**

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#### EXPLANATORY NOTE

This Bill replaces *The Charitable Institutions Act*. The principles are unchanged except in the following respects:

1. Children's institutions are excepted and are to be dealt with in *The Children's Institutions Act, 1962-63*.
2. Grants are provided for correctional institutions and fixed at 50 per cent of the net operating cost.
3. Residence in Ontario is required for persons toward whose cost the subsidy for operating and maintenance cost will be paid by the Province.



BILL 15

1962-63

## The Charitable Institutions Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "charitable institution" means a building or buildings maintained and operated by an approved corporation for persons requiring residential, sheltered, specialized or group care, but does not include,
- (i) a children's institution under *The Children's Institutions Act, 1962-63*,  
c. ...
  - (ii) a home or joint home under *The Homes for the Aged Act*,  
R.S.O. 1960,  
c. 174
  - (iii) a house that is registered under *The Maternity Boarding Houses Act*,  
R.S.O. 1960,  
c. 231
  - (iv) an institution under *The Mental Hospitals Act*,  
R.S.O. 1960,  
c. 236
  - (v) a private hospital under *The Private Hospitals Act*,  
R.S.O. 1960,  
c. 305
  - (vi) a sanitarium under *The Private Sanitaria Act*,  
R.S.O. 1960,  
c. 307
  - (vii) a psychiatric hospital under *The Psychiatric Hospitals Act*,  
R.S.O. 1960,  
c. 315
  - (viii) a hospital under *The Public Hospitals Act*,  
R.S.O. 1960,  
c. 322
  - (ix) a sanatorium under *The Sanatoria for Convalescents Act*,  
R.S.O. 1960,  
c. 359
- (b) "correctional institution" means a charitable institution maintained and operated primarily for persons,

R.S.O. 1960,  
c. 308  
1952-53,  
c. 51 (Can.)  
R.S.C. 1952,  
c. 160

R.S.O. 1960,  
c. 286  
1958, c. 38  
(Can.)

- (i) who have been placed on probation under *The Probation Act*, the *Criminal Code* (Canada) or the *Juvenile Delinquents Act* (Canada), or
- (ii) who have been released on parole under *The Parole Act* or the *Parole Act* (Canada), or
- (iii) who are admitted to the institution for correctional purposes;

(c) "hostel" means a charitable institution for the temporary care of transient or homeless persons;

(d) "Minister" means the Minister of Public Welfare;

(e) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(f) "regulations" means the regulations made under this Act.

Approval of  
corporations

**2.** The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,  
c. 71

Approval of  
buildings

**3.** The Lieutenant Governor in Council may approve charitable institutions for the purposes of this Act.

Restrictions  
upon  
approved  
corporations

**4.—(1)** No approved corporation shall,

- (a) maintain or operate any building or part thereof as a charitable institution until the building is approved under section 3;
- (b) change its name or the name of any charitable institution maintained and operated by it without the written approval of the Minister;
- (c) erect a new building to be used as a charitable institution until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a charitable institution until the plans thereof are approved by the Minister in writing;
- (d) purchase or otherwise acquire any building to be used by it as a charitable institution without the written approval of the Minister; or

- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any charitable institution in respect of which the approved corporation has received payment of a grant under section 5 or 6, or any predecessor thereof, without the written approval of the Minister.

(2) No by-law of an approved corporation with respect to a charitable institution has force or effect until it is approved by the Minister in writing.

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a charitable institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of,

- (a) \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the new building or the addition is to be used as a charitable institution, other than a hostel; or

- (b) \$1,500 per bed or of an amount equal to 30 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the new building or the addition is to be used as a hostel, but no payment shall be made under this clause unless the council of the municipality in which the new building or the addition is situated directs payment to the approved corporation erecting the new building or the addition of an amount equal to at least 20 per cent of the cost thereof to the approved corporation.

6. When the acquisition of a building to be used as a charitable institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount based upon the total bed capacity of the building at the rate of,



- (a) \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the building is to be used as a charitable institution, other than a hostel; or
- (b) \$450 per bed or of an amount equal to 30 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the building is to be used as a hostel, but no payment shall be made under this clause unless the council of the municipality in which the building is situated directs payment to the approved corporation acquiring the building of an amount equal to at least 20 per cent of the cost thereof to the approved corporation.

Contribution  
by Province  
to maintenance  
in  
institutions  
other than  
hostels or  
correctional  
institutions

7.—(1) Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a charitable institution other than a hostel or a correctional institution, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 75 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the charitable institution.

Contribution  
by Province  
to maintenance  
in  
correctional  
institutions

(2) Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a correctional institution, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the correctional institution.

Residence

8.—(1) An amount shall not be paid under section 7 in respect of a person unless he has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the charitable institution, but, where the person has not so resided because of the operation of subsection 2, he shall have resided in Ontario for at least twelve consecutive months before the date of his admission to a place mentioned in subsection 2.

Idem

(2) In computing periods of residence under subsection 1, any period of time during which the person was a patient or resident in a hospital, sanatorium, nursing home, home for

the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**9.**—(1) A provincial supervisor shall inspect every charitable institution and examine the books of account and any other records of the institution at least once each year, but he may inspect any charitable institution or examine the books of account and the other records at any time. Inspection of books of charitable institutions

(2) A provincial supervisor may inspect the books of account and other records of an approved corporation that pertain to charitable institutions. Inspection of books of approved corporations

**10.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. Revocation and suspension of approvals

**11.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) specifying the corporations and the charitable institutions that are approved for the purposes of this Act or for the purpose of any regulation;
- (b) specifying the classes of persons that may be cared for in specified charitable institutions;
- (c) prescribing rules governing the establishment, maintenance and operation of charitable institutions or specified charitable institutions and the conduct of the persons cared for therein and the staffs thereof;
- (d) governing the qualifications and the powers and duties of the members of the staffs of charitable institutions or of specified charitable institutions;
- (e) requiring and prescribing medical and other related or ancillary services for the care and treatment of the persons in charitable institutions or specified charitable institutions;
- (f) prescribing additional qualifications for the establishment of residence for the purpose of section 8;
- (g) governing applications by approved corporations for payments under this Act and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing the cost to approved corporations for the purposes of sections 5 and 6;

- (i) prescribing the manner of computing the net cost of the care and maintenance of a person resident in a charitable institution and the maximum amount of the net cost to which the Province may contribute under section 7;
- (j) prescribing the records to be kept by approved corporations and charitable institutions, the claims and returns to be made to the Minister by approved corporations with respect to charitable institutions and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (k) providing for the recovery by an approved corporation or the Province from a person or his estate of any amount paid by the corporation or by the Province to the corporation for the cost of the care and maintenance of the person in a charitable institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (l) prescribing additional powers and duties of provincial supervisors;
- (m) prescribing forms and providing for their use;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Moneys

**12.** The moneys required for the purposes of sections 5, 6 and 7 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

R.S.O. 1960,  
c. 51,  
repealed

**13.** *The Charitable Institutions Act* is repealed.

Commence-  
ment

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**15.** This Act may be cited as *The Charitable Institutions Act, 1962-63*.









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The Charitable Institutions Act, 1962-63

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*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. CECILE

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# BILL 15

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## The Charitable Institutions Act, 1962-63

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MR. CECILE

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER





BILL 15

1962-63

## The Charitable Institutions Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

(a) "charitable institution" means a building or buildings maintained and operated by an approved corporation for persons requiring residential, sheltered, specialized or group care, but does not include,

- (i) a children's institution under *The Children's Institutions Act, 1962-63*,  
c. ...
- (ii) a home or joint home under *The Homes for the Aged Act*,  
R.S.O. 1960,  
c. 174
- (iii) a house that is registered under *The Maternity Boarding Houses Act*,  
R.S.O. 1960,  
c. 231
- (iv) an institution under *The Mental Hospitals Act*,  
R.S.O. 1960,  
c. 236
- (v) a private hospital under *The Private Hospitals Act*,  
R.S.O. 1960,  
c. 305
- (vi) a sanitarium under *The Private Sanitaria Act*,  
R.S.O. 1960,  
c. 307
- (vii) a psychiatric hospital under *The Psychiatric Hospitals Act*,  
R.S.O. 1960,  
c. 315
- (viii) a hospital under *The Public Hospitals Act*,  
R.S.O. 1960,  
c. 322
- (ix) a sanatorium under *The Sanatoria for Consumptives Act*,  
R.S.O. 1960,  
c. 359

(b) "correctional institution" means a charitable institution maintained and operated primarily for persons,

R.S.O. 1960,  
c. 308  
1952-53,  
o. 51 (Can.)  
R.S.C. 1952,  
c. 160

R.S.O. 1960,  
o. 286  
1958, c. 38  
(Can.)

- (i) who have been placed on probation under *The Probation Act*, the *Criminal Code* (Canada) or the *Juvenile Delinquents Act* (Canada), or
- (ii) who have been released on parole under *The Parole Act* or the *Parole Act* (Canada), or
- (iii) who are admitted to the institution for correctional purposes;

(c) "hostel" means a charitable institution for the temporary care of transient or homeless persons;

(d) "Minister" means the Minister of Public Welfare;

(e) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(f) "regulations" means the regulations made under this Act.

Approval of  
corporations

**2.** The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,  
c. 71

Approval of  
buildings

**3.** The Lieutenant Governor in Council may approve charitable institutions for the purposes of this Act.

Restrictions  
upon  
approved  
corporations

**4.—(1)** No approved corporation shall,

- (a) maintain or operate any building or part thereof as a charitable institution until the building is approved under section 3;
- (b) change its name or the name of any charitable institution maintained and operated by it without the written approval of the Minister;
- (c) erect a new building to be used as a charitable institution until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a charitable institution until the plans thereof are approved by the Minister in writing;
- (d) purchase or otherwise acquire any building to be used by it as a charitable institution without the written approval of the Minister; or

- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any charitable institution in respect of which the approved corporation has received payment of a grant under section 5 or 6, or any predecessor thereof, without the written approval of the Minister.

(2) No by-law of an approved corporation with respect to a charitable institution has force or effect until it is approved by the Minister in writing. Approval of  
by-laws

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a charitable institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of, Grants for  
construction  
of buildings  
or additions

- (a) \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the new building or the addition is to be used as a charitable institution, other than a hostel; or

- (b) \$1,500 per bed or of an amount equal to 30 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the new building or the addition is to be used as a hostel, but no payment shall be made under this clause unless the council of the municipality in which the new building or the addition is situated directs payment to the approved corporation erecting the new building or the addition of an amount equal to at least 20 per cent of the cost thereof to the approved corporation.

6. When the acquisition of a building to be used as a charitable institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount based upon the total bed capacity of the building at the rate of, Grants for  
acquisition  
of buildings



(a) \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the building is to be used as a charitable institution, other than a hostel; or

(b) \$450 per bed or of an amount equal to 30 per cent of the cost thereof to the approved corporation, computed in accordance with the regulations, whichever is the lesser, where the building is to be used as a hostel, but no payment shall be made under this clause unless the council of the municipality in which the building is situated directs payment to the approved corporation acquiring the building of an amount equal to at least 20 per cent of the cost thereof to the approved corporation.

Contribution  
by Province  
to maintenance  
in  
institutions  
other than  
hostels or  
correctional  
institutions

7.—(1) Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a charitable institution other than a hostel or a correctional institution, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 75 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the charitable institution.

Contribution  
by Province  
to maintenance  
in  
correctional  
institutions

(2) Subject to section 8, where an approved corporation maintains and operates a charitable institution that is specified in the regulations as a correctional institution, there shall be paid to the corporation, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the corporation for the care and maintenance of each person resident in the correctional institution.

Residence

8.—(1) An amount shall not be paid under section 7 in respect of a person unless he has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the charitable institution, but, where the person has not so resided because of the operation of subsection 2, he shall have resided in Ontario for at least twelve consecutive months before the date of his admission to a place mentioned in subsection 2.

Idem

(2) In computing periods of residence under subsection 1, any period of time during which the person was a patient or resident in a hospital, sanatorium, nursing home, home for

the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

9.—(1) A provincial supervisor shall inspect every charitable institution and examine the books of account and any other records of the institution at least once each year, but he may inspect any charitable institution or examine the books of account and the other records at any time. Inspection of books of charitable institutions

(2) A provincial supervisor may inspect the books of account and other records of an approved corporation that pertain to charitable institutions. Inspection of books of approved corporations

10. Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. Revocation and suspension of approvals

11. The Lieutenant Governor in Council may make regulations, Regulations

- (a) specifying the corporations and the charitable institutions that are approved for the purposes of this Act or for the purpose of any regulation;
- (b) specifying the classes of persons that may be cared for in specified charitable institutions;
- (c) prescribing rules governing the establishment, maintenance and operation of charitable institutions or specified charitable institutions and the conduct of the persons cared for therein and the staffs thereof;
- (d) governing the qualifications and the powers and duties of the members of the staffs of charitable institutions or of specified charitable institutions;
- (e) requiring and prescribing medical and other related or ancillary services for the care and treatment of the persons in charitable institutions or specified charitable institutions;
- (f) prescribing additional qualifications for the establishment of residence for the purpose of section 8;
- (g) governing applications by approved corporations for payments under this Act and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing the cost to approved corporations for the purposes of sections 5 and 6;

- (i) prescribing the manner of computing the net cost of the care and maintenance of a person resident in a charitable institution and the maximum amount of the net cost to which the Province may contribute under section 7;
- (j) prescribing the records to be kept by approved corporations and charitable institutions, the claims and returns to be made to the Minister by approved corporations with respect to charitable institutions and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (k) providing for the recovery by an approved corporation or the Province from a person or his estate of any amount paid by the corporation or by the Province to the corporation for the cost of the care and maintenance of the person in a charitable institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (l) prescribing additional powers and duties of provincial supervisors;
- (m) prescribing forms and providing for their use;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Moneys**

**12.** The moneys required for the purposes of sections 5, 6 and 7 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

R.S.O. 1960,  
c. 51,  
repealed

**13.** *The Charitable Institutions Act* is repealed.

Commence-  
ment

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**15.** This Act may be cited as *The Charitable Institutions Act, 1962-63*.









The Charitable Institutions Act, 1962-63

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

December 19th, 1962

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MR. CECILE

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# **BILL 16**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act respecting Homes for Retarded Children**

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**MR. CECILE**

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THE PROVISIONS OF THE ACT RESPECTING THE  
MIND OF THE PEOPLE OF THE PROVINCE OF ONTARIO

THE ACT RESPECTING THE MIND OF THE PEOPLE OF THE PROVINCE OF ONTARIO

#### EXPLANATORY NOTE

This Bill provides for grants to local associations for retarded children for the construction or acquisition of homes for retarded children and for the payment of a provincial subsidy for the operating and maintenance costs of such homes.



BILL 16

1962-63

## An Act respecting Homes for Retarded Children

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "home for retarded children" means a building maintained and operated by an approved local association for the residential accommodation of retarded children, but does not include,
- (i) a children's institution under *The Children's Institutions Act, 1962-63*,  
c. ...
  - (ii) a charitable institution under *The Charitable Institutions Act, 1962-63*,  
c. ...
  - (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*,  
R.S.O. 1960,  
c. 54
  - (iv) a hospital under *The Children's Mental Hospitals Act*,  
R.S.O. 1960,  
c. 56
  - (v) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*,  
R.S.O. 1960,  
c. 53
  - (vi) a day nursery established and operated under *The Day Nurseries Act*,  
R.S.O. 1960,  
c. 87
  - (vii) a house that is registered under *The Maternity Boarding Houses Act*,  
R.S.O. 1960,  
c. 231
  - (viii) an institution under *The Mental Hospitals Act*,  
R.S.O. 1960,  
c. 236
  - (ix) a private hospital under *The Private Hospitals Act*,  
R.S.O. 1960,  
c. 305

R.S.O. 1960,  
c. 307

(x) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1960,  
c. 315

(xi) a psychiatric hospital under *The Psychiatric Hospitals Act*,

R.S.O. 1960,  
c. 322

(xii) a hospital under *The Public Hospitals Act*,

R.S.O. 1960,  
c. 359

(xiii) a sanatorium under *The Sanatoria for Consumptives Act*;

R.S.O. 1960,  
c. 94

(b) "local association" means a parents' group that is affiliated with the Ontario Association for Retarded Children and is in receipt of assistance for the cost of education of retarded children under *The Department of Education Act*;

(c) "Minister" means the Minister of Public Welfare;

(d) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(e) "regulations" means the regulations made under this Act;

(f) "residential accommodation" means accommodation for the board and lodging of retarded children;

(g) "retarded child" means a child who,

(i) is under eighteen years of age,

(ii) is deemed incapable of development beyond that of a child of normal mentality at eight years of age, as verified by objective psychological and medical findings, and

(iii) is admissible to a school in which a class or classes are conducted by a local association, receiving or eligible to receive assistance under *The Department of Education Act*,

R.S.O. 1960,  
c. 94

but does not include a child who is eligible for admission to,

R.S.O. 1960,  
cc. 236, 56

(iv) an institution under *The Mental Hospitals Act* or a hospital under *The Children's Mental Hospitals Act*, or

- (v) an auxiliary class established and conducted by a public school board, separate school board, continuation school board, high school board or board of education under *The Schools Administration Act*. R.S.O. 1960, c. 361

**2.** The Lieutenant Governor in Council may approve for the purposes of this Act any local association that is a corporation without share capital, having objects of a charitable nature and incorporated under Part III of *The Corporations Act*. Approval of local associations R.S.O. 1960, c. 71

**3.** The Lieutenant Governor in Council may approve homes for retarded children for the purposes of this Act. Approval of homes for retarded children

**4.—(1)** No approved local association shall, Restrictions upon local associations

- (a) maintain or operate any building or part thereof as a home for retarded children until the building is approved under section 3;
- (b) change its name or the name of any home for retarded children maintained and operated by it without the written approval of the Minister;
- (c) erect a new building to be used as a home for retarded children until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a home for retarded children until the plans thereof are approved by the Minister in writing;
- (d) purchase or otherwise acquire any building to be used by it as a home for retarded children without the written approval of the Minister; or
- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any home for retarded children in respect of which the local association has received payment of a grant under section 5 or 6 without the written approval of the Minister.

(2) No by-law of an approval local association with respect to a home for retarded children has force or effect until it is approved by the Minister in writing. Approval of by-laws

**5.** When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a home for retarded children have been approved by the Minister under clause c of subsection 1 of section 4, the Grants for construction of buildings or additions



Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved local association erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser.

Grants for  
acquisition  
of buildings

**6.** When the acquisition of a building to be used as a home for retarded children has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved local association acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser.

Grants for  
residential  
accommoda-  
tion only

**7.** In computing the cost to a local association of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded children and shall be computed in accordance with the regulations.

Subsidy for  
operating  
and mainten-  
ance costs

**8.** Subject to section 9, where a retarded child is admitted to or is residing in an approved home for retarded children and,

- (a) the financial circumstances of the person or persons in whose charge the child is, as determined by the regulations, do not permit the person or persons to pay in full for the cost of the residential accommodation of the child in the home;
- (b) the child is not in the care and custody of a children's aid society under *The Child Welfare Act*; and
- (c) the cost or any part thereof is paid by the approved local association that maintains and operates the home,

R.S.O. 1960,  
c. 53

there shall be paid to the local association, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the local association for the residential accommodation of the child in the home, or 50 per cent of the maximum amount to which the Province may contribute, as prescribed by the regulations, whichever is the lesser.

**9.—**(1) An amount shall not be paid under section 8 in <sup>Residence</sup> respect of a child unless the child has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the home for retarded children, but,

- (a) where the child has not so resided because of the operation of subsection 2, the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months immediately before the date of the admission of the child to the home; or
- (b) where the child or the person in whose charge he is has not resided in Ontario as required by clause *a* because of the operation of subsection 2, the child or the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months before the admission of the child or the person to a place mentioned in subsection 2.

(2) In computing periods of residence under subsection 1, <sup>Idem</sup> any period of time during which the child or the person in whose charge he is was a patient or resident in a hospital, sanatorium, nursing home, children's institution, home for retarded children, home for the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**10.—**(1) A provincial supervisor shall inspect every <sup>Inspection of homes</sup> approved home for retarded children and examine the books of account and any other records of the home at least once each year, but he may inspect any such home or examine the books of account and the other records at any time.

(2) A provincial supervisor may inspect the books of <sup>Inspection of records of local association</sup> account and other records of an approved local association that pertain to homes for retarded children.

**11.** Any approval given under this Act may be suspended <sup>Revocation and suspension of approvals</sup> by the Minister or revoked by the Lieutenant Governor in Council at any time.

**12.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) specifying the local associations and the homes for retarded children that are approved for the purposes of this Act;

- (b) prescribing rules governing homes for retarded children and the conduct of the children residing therein and the staffs thereof;
- (c) governing the admissions of retarded children to homes for retarded children and the kinds of services that are to be provided therein;
- (d) governing the qualifications and the powers and duties of the members of the staffs of homes for retarded children;
- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the children residing in homes for retarded children;
- (f) prescribing additional qualifications for the establishment of residence for the purpose of section 9;
- (g) governing applications by approved local associations for payments under this Act and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing the cost to local associations for the purposes of section 7;
- (i) prescribing financial circumstances for the purposes of clause *a* of section 8;
- (j) prescribing the manner of computing the net cost of the residential accommodation of a retarded child in a home for retarded children and the maximum amount of the net cost to which the Province may contribute for the purposes of section 8;
- (k) prescribing the records to be kept by approved local associations and homes for retarded children, the claims and returns to be made to the Minister by approved local associations and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (l) providing for the recovery by an approved local association or the Province from the person or persons in whose charge a retarded child is or from the estate of such person or persons of any amount paid by the association or by the Province to the association for the cost of the residential accommodation



of the child in a home for retarded children and prescribing the circumstances and the manner in which any such recovery may be made;

- (m) prescribing additional powers and duties of provincial supervisors;
- (n) prescribing forms and providing for their use;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**13.** The moneys required for the purposes of sections 5, <sup>Moneys</sup> 6 and 8 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

**14.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation.

**15.** This Act may be cited as *The Homes for Retarded Children Act, 1962-63*. <sup>Short title</sup>





An Act respecting  
Homes for Retarded Children

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*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. CECILE

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**BILL 16**



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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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**An Act respecting Homes for Retarded Children**

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**MR. CECILE**

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*(Reprinted as amended by the Committee on Health and Welfare)*



THE HONOURABLE THE ATTORNEY GENERAL  
 11-15-1911

TO THE HONOURABLE THE ATTORNEY GENERAL

# EXPLANATORY NOTE

This Bill provides for grants to local associations for retarded children for the construction or acquisition of homes for retarded children and for the payment of a provincial subsidy for the operating and maintenance costs of such homes.

11-15-11

BILL 16

1962-63

## An Act respecting Homes for Retarded Children

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

(a) "home for retarded children" means a building maintained and operated by an approved local association for the residential accommodation of retarded children, but does not include,

- (i) a children's institution under *The Children's Institutions Act, 1962-63*,  
R.S.O. 1960, c. ...
- (ii) a charitable institution under *The Charitable Institutions Act, 1962-63*,  
R.S.O. 1960, c. ...
- (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*,  
R.S.O. 1960, c. 54
- (iv) a hospital under *The Children's Mental Hospitals Act*,  
R.S.O. 1960, c. 56
- (v) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*,  
R.S.O. 1960, c. 53
- (vi) a day nursery established and operated under *The Day Nurseries Act*,  
R.S.O. 1960, c. 87
- (vii) a house that is registered under *The Maternity Boarding Houses Act*,  
R.S.O. 1960, c. 231
- (viii) an institution under *The Mental Hospitals Act*,  
R.S.O. 1960, c. 236
- (ix) a private hospital under *The Private Hospitals Act*,  
R.S.O. 1960, c. 305

R.S.O. 1960,  
c. 307

(x) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1960,  
c. 315

(xi) a psychiatric hospital under *The Psychiatric Hospitals Act*,

R.S.O. 1960,  
c. 322

(xii) a hospital under *The Public Hospitals Act*,

R.S.O. 1960,  
c. 359

(xiii) a sanatorium under *The Sanatoria for Consumptives Act*;

R.S.O. 1960,  
c. 94

(b) "local association" means a parents' group that is affiliated with the Ontario Association for Retarded Children and is in receipt of assistance for the cost of education of retarded children under *The Department of Education Act*;

(c) "Minister" means the Minister of Public Welfare;

(d) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(e) "regulations" means the regulations made under this Act;

(f) "residential accommodation" means accommodation for the board and lodging of retarded children;

(g) "retarded child" means a child who,

(i) is under eighteen years of age,

(ii) is deemed incapable of development beyond that of a child of normal mentality at eight years of age, as verified by objective psychological and medical findings, and

(iii) is admissible to a school in which a class or classes are conducted by a local association, receiving or eligible to receive assistance under *The Department of Education Act*.

R.S.O. 1960,  
c. 94

Approval  
of local  
associations

R.S.O. 1960,  
c. 71

2. The Lieutenant Governor in Council may approve for the purposes of this Act any local association that is a corporation without share capital, having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

3. The Lieutenant Governor in Council may approve homes for retarded children for the purposes of this Act.

Approval of  
homes for  
retarded  
children

4.—(1) No approved local association shall,

Restrictions  
upon local  
associations

- (a) maintain or operate any building or part thereof as a home for retarded children until the building is approved under section 3;
- (b) change its name or the name of any home for retarded children maintained and operated by it without the written approval of the Minister;
- (c) erect a new building to be used as a home for retarded children until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a home for retarded children until the plans thereof are approved by the Minister in writing;
- (d) purchase or otherwise acquire any building to be used by it as a home for retarded children without the written approval of the Minister; or
- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any home for retarded children in respect of which the local association has received payment of a grant under section 5 or 6 without the written approval of the Minister.

(2) No by-law of an approval local association with respect to a home for retarded children has force or effect until it is approved by the Minister in writing.

Approval of  
by-laws

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a home for retarded children have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved local association erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser.

Grants for  
construction  
of buildings  
or additions

6. When the acquisition of a building to be used as a home for retarded children has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated

Grants for  
acquisition  
of buildings



therefor by the Legislature, direct payment to the approved local association acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser.

Grants for  
residential  
accommoda-  
tion only

7. In computing the cost to a local association of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded children and shall be computed in accordance with the regulations.

Subsidy for  
operating  
and mainten-  
ance costs

8. Subject to section 9, where a retarded child is admitted to or is residing in an approved home for retarded children and,

(a) the financial circumstances of the person or persons in whose charge the child is, as determined by the regulations, do not permit the person or persons to pay in full for the cost of the residential accommodation of the child in the home;

R.S.O. 1960,  
c. 53

(b) the child is not in the care and custody of a children's aid society under *The Child Welfare Act*; and

(c) the cost or any part thereof is paid by the approved local association that maintains and operates the home,

there shall be paid to the local association, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the local association for the residential accommodation of the child in the home, or 50 per cent of the maximum amount to which the Province may contribute, as prescribed by the regulations, whichever is the lesser.

Residence

9.—(1) An amount shall not be paid under section 8 in respect of a child unless the child has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the home for retarded children, but,

(a) where the child has not so resided because of the operation of subsection 2, the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months immediately before the date of the admission of the child to the home; or

- (b) where the child or the person in whose charge he is has not resided in Ontario as required by clause *a* because of the operation of subsection 2, the child or the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months before the admission of the child or the person to a place mentioned in subsection 2.

(2) In computing periods of residence under subsection 1, <sup>Idem</sup> any period of time during which the child or the person in whose charge he is was a patient or resident in a hospital, sanatorium, nursing home, children's institution, home for retarded children, home for the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**10.**—(1) A provincial supervisor shall inspect every <sup>Inspection of homes</sup> approved home for retarded children and examine the books of account and any other records of the home at least once each year, but he may inspect any such home or examine the books of account and the other records at any time.

(2) A provincial supervisor may inspect the books of <sup>Inspection of records of local association</sup> account and other records of an approved local association that pertain to homes for retarded children.

**11.** Any approval given under this Act may be suspended <sup>Revocation and suspension of approvals</sup> by the Minister or revoked by the Lieutenant Governor in Council at any time.

**12.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) specifying the local associations and the homes for retarded children that are approved for the purposes of this Act;
- (b) prescribing rules governing homes for retarded children and the conduct of the children residing therein and the staffs thereof;
- (c) governing the admissions of retarded children to homes for retarded children and the kinds of services that are to be provided therein;
- (d) governing the qualifications and the powers and duties of the members of the staffs of homes for retarded children;



- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the children residing in homes for retarded children;
- (f) prescribing additional qualifications for the establishment of residence for the purpose of section 9;
- (g) governing applications by approved local associations for payments under this Act and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing the cost to local associations for the purposes of section 7;
- (i) prescribing financial circumstances for the purposes of clause *a* of section 8;
- (j) prescribing the manner of computing the net cost of the residential accommodation of a retarded child in a home for retarded children and the maximum amount of the net cost to which the Province may contribute for the purposes of section 8;
- (k) prescribing the records to be kept by approved local associations and homes for retarded children, the claims and returns to be made to the Minister by approved local associations and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (l) providing for the recovery by an approved local association or the Province from the person or persons in whose charge a retarded child is or from the estate of such person or persons of any amount paid by the association or by the Province to the association for the cost of the residential accommodation of the child in a home for retarded children and prescribing the circumstances and the manner in which any such recovery may be made;
- (m) prescribing additional powers and duties of provincial supervisors;
- (n) prescribing forms and providing for their use;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**13.** The moneys required for the purposes of sections 5, <sup>Moneys</sup> 6 and 8 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

**14.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation <sup>ment</sup>.

**15.** This Act may be cited as *The Homes for Retarded* <sup>Short title</sup> *Children Act, 1962-63.*





An Act respecting  
Homes for Retarded Children

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

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MR. CECILE

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(Reprinted as amended by the  
Committee on Health and Welfare)



# **BILL 16**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act respecting Homes for Retarded Children**

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MR. CECILE

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BILL 16

1962-63

## An Act respecting Homes for Retarded Children

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "home for retarded children" means a building maintained and operated by an approved local association for the residential accommodation of retarded children, but does not include,
- (i) a children's institution under *The Children's Institutions Act, 1962-63*, 1962-63,  
c. ...
  - (ii) a charitable institution under *The Charitable Institutions Act, 1962-63*, 1962-63,  
c. ...
  - (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, R.S.O. 1960,  
c. 54
  - (iv) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1960,  
c. 56
  - (v) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*, R.S.O. 1960,  
c. 53
  - (vi) a day nursery established and operated under *The Day Nurseries Act*, R.S.O. 1960,  
c. 87
  - (vii) a house that is registered under *The Maternity Boarding Houses Act*, R.S.O. 1960,  
c. 231
  - (viii) an institution under *The Mental Hospitals Act*, R.S.O. 1960,  
c. 236
  - (ix) a private hospital under *The Private Hospitals Act*, R.S.O. 1960,  
c. 305

R.S.O. 1960,  
c. 307

(x) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1960,  
c. 315

(xi) a psychiatric hospital under *The Psychiatric Hospitals Act*,

R.S.O. 1960,  
c. 322

(xii) a hospital under *The Public Hospitals Act*,

R.S.O. 1960,  
c. 359

(xiii) a sanatorium under *The Sanatoria for Consumptives Act*;

R.S.O. 1960,  
c. 94

(b) "local association" means a parents' group that is affiliated with the Ontario Association for Retarded Children and is in receipt of assistance for the cost of education of retarded children under *The Department of Education Act*;

(c) "Minister" means the Minister of Public Welfare;

(d) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor and includes any other employee of the Department of Public Welfare who is designated by the Minister as a provincial supervisor for the purposes of this Act;

(e) "regulations" means the regulations made under this Act;

(f) "residential accommodation" means accommodation for the board and lodging of retarded children;

(g) "retarded child" means a child who,

(i) is under eighteen years of age,

(ii) is deemed incapable of development beyond that of a child of normal mentality at eight years of age, as verified by objective psychological and medical findings, and

(iii) is admissible to a school in which a class or classes are conducted by a local association, receiving or eligible to receive assistance under *The Department of Education Act*.

R.S.O. 1960,  
c. 94

Approval  
of local  
associations

R.S.O. 1960,  
c. 71

2. The Lieutenant Governor in Council may approve for the purposes of this Act any local association that is a corporation without share capital, having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.



3. The Lieutenant Governor in Council may approve homes for retarded children for the purposes of this Act. Approval of homes for retarded children

4.—(1) No approved local association shall, Restrictions upon local associations

- (a) maintain or operate any building or part thereof as a home for retarded children until the building is approved under section 3;
- (b) change its name or the name of any home for retarded children maintained and operated by it without the written approval of the Minister;
- (c) erect a new building to be used as a home for retarded children until the site and plans thereof are approved by the Minister in writing, or erect an addition to an existing building used or to be used as a home for retarded children until the plans thereof are approved by the Minister in writing;
- (d) purchase or otherwise acquire any building to be used by it as a home for retarded children without the written approval of the Minister; or
- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any home for retarded children in respect of which the local association has received payment of a grant under section 5 or 6 without the written approval of the Minister.

(2) No by-law of an approval local association with respect to a home for retarded children has force or effect until it is approved by the Minister in writing. Approval of by-laws

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a home for retarded children have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved local association erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser. Grants for construction of buildings or additions

6. When the acquisition of a building to be used as a home for retarded children has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys that are appropriated Grants for acquisition of buildings



therefor by the Legislature, direct payment to the approved local association acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost thereof to the local association, whichever is the lesser.

Grants for  
residential  
accommoda-  
tion only

7. In computing the cost to a local association of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded children and shall be computed in accordance with the regulations.

Subsidy for  
operating  
and mainten-  
ance costs

8. Subject to section 9, where a retarded child is admitted to or is residing in an approved home for retarded children and,

(a) the financial circumstances of the person or persons in whose charge the child is, as determined by the regulations, do not permit the person or persons to pay in full for the cost of the residential accommodation of the child in the home;

R.S.O. 1960,  
c. 53

(b) the child is not in the care and custody of a children's aid society under *The Child Welfare Act*; and

(c) the cost or any part thereof is paid by the approved local association that maintains and operates the home,

there shall be paid to the local association, out of the moneys that are appropriated therefor by the Legislature, an amount equal to 50 per cent of the net cost, computed in accordance with the regulations, that is paid by the local association for the residential accommodation of the child in the home, or 50 per cent of the maximum amount to which the Province may contribute, as prescribed by the regulations, whichever is the lesser.

Residence

9.—(1) An amount shall not be paid under section 8 in respect of a child unless the child has resided in Ontario for a period of at least twelve consecutive months immediately before the date of his admission to the home for retarded children, but,

(a) where the child has not so resided because of the operation of subsection 2, the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months immediately before the date of the admission of the child to the home; or

- (b) where the child or the person in whose charge he is has not resided in Ontario as required by clause *a* because of the operation of subsection 2, the child or the person in whose charge he is shall have resided in Ontario for a period of at least twelve consecutive months before the admission of the child or the person to a place mentioned in subsection 2.

(2) In computing periods of residence under subsection 1, <sup>Idem</sup> any period of time during which the child or the person in whose charge he is was a patient or resident in a hospital, sanatorium, nursing home, children's institution, home for retarded children, home for the aged or other private, charitable or public institution for custodial, medical, educational or other care or supervision shall not be included.

**10.—**(1) A provincial supervisor shall inspect every <sup>Inspection of homes</sup> approved home for retarded children and examine the books of account and any other records of the home at least once each year, but he may inspect any such home or examine the books of account and the other records at any time.

(2) A provincial supervisor may inspect the books of <sup>Inspection of records of local association</sup> account and other records of an approved local association that pertain to homes for retarded children.

**11.** Any approval given under this Act may be suspended <sup>Revocation and suspension of approvals</sup> by the Minister or revoked by the Lieutenant Governor in Council at any time.

**12.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) specifying the local associations and the homes for retarded children that are approved for the purposes of this Act;
- (b) prescribing rules governing homes for retarded children and the conduct of the children residing therein and the staffs thereof;
- (c) governing the admissions of retarded children to homes for retarded children and the kinds of services that are to be provided therein;
- (d) governing the qualifications and the powers and duties of the members of the staffs of homes for retarded children;

- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the children residing in homes for retarded children;
- (f) prescribing additional qualifications for the establishment of residence for the purpose of section 9;
- (g) governing applications by approved local associations for payments under this Act and prescribing the method, time and manner of payment;
- (h) prescribing the manner of computing the cost to local associations for the purposes of section 7;
- (i) prescribing financial circumstances for the purposes of clause *a* of section 8;
- (j) prescribing the manner of computing the net cost of the residential accommodation of a retarded child in a home for retarded children and the maximum amount of the net cost to which the Province may contribute for the purposes of section 8;
- (k) prescribing the records to be kept by approved local associations and homes for retarded children, the claims and returns to be made to the Minister by approved local associations and the method, time and manner in which such claims and returns shall be made and providing penalties for late claims or returns;
- (l) providing for the recovery by an approved local association or the Province from the person or persons in whose charge a retarded child is or from the estate of such person or persons of any amount paid by the association or by the Province to the association for the cost of the residential accommodation of the child in a home for retarded children and prescribing the circumstances and the manner in which any such recovery may be made;
- (m) prescribing additional powers and duties of provincial supervisors;
- (n) prescribing forms and providing for their use;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**13.** The moneys required for the purposes of sections 5, <sup>Moneys</sup> 6 and 8 shall, until the 31st day of March, 1964, be paid out of the Consolidated Revenue Fund.

**14.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation.  
<sup>ment</sup>

**15.** This Act may be cited as *The Homes for Retarded* <sup>Short title</sup>  
*Children Act, 1962-63.*









An Act respecting  
Homes for Retarded Children

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

April 26th, 1963

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MR. CECILE

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# BILL 17

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to approve an Agreement between the Government of Canada and the Government of the Province of Ontario respecting Public Harbours

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MR. ROBERTS

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#### EXPLANATORY NOTE

Section 108 of *The British North America Act*, and the Third Schedule of that Act, vested in the Crown in right of Canada ownership of the bed and foreshore of all public harbours in Canada that were actually used as such at the time of Confederation. However, because the Act did not list and describe those harbours, confusion has arisen as to which harbours became the property of Canada and what were the precise limits of those harbours.

An Agreement has now been negotiated with the Government of Canada to resolve this confusion by defining which harbours in Ontario shall be considered to be the property of Canada and what the limits of these harbours shall be.

The purpose of this Bill is to ratify and approve the Agreement.

This Bill is complementary to and is the same in substance as Bill C-59 introduced in the House of Commons on October 11, 1962.

BILL 17

1962-63

**An Act to approve an Agreement between the  
Government of Canada and the Government  
of the Province of Ontario  
respecting Public Harbours**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement between the Government of Canada and the Government of the Province of Ontario, set out as the Schedule hereto, is hereby ratified and approved and shall take effect according to its terms.

**2.** A reference by number in Schedule A to the Agreement to a plan attached to that Schedule shall be construed as a reference to the plan of the same number on record in the Department of Transport, Ottawa, and in the Ontario Department of Lands and Forests, Toronto.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Ontario Harbours Agreement Act, 1962-63*.



## SCHEDULE

## AGREEMENT

between

THE GOVERNMENT OF CANADA

and

THE GOVERNMENT OF THE PROVINCE OF ONTARIO

THIS AGREEMENT made this 26th day of September, One thousand nine hundred and sixty-one;

## BETWEEN:

THE GOVERNMENT OF CANADA,  
hereinafter referred to as "Canada"

OF THE FIRST PART;

— and —

THE GOVERNMENT OF THE PROVINCE OF ONTARIO  
hereinafter referred to as "Ontario"

OF THE SECOND PART.

WHEREAS by virtue of section 108 and the Third Schedule of the British North America Act, 1867, public harbours in the Province of Ontario became the property of Canada;

AND WHEREAS it is desirable in the public interest that the property belonging to Canada under the designation "public harbours" should be finally ascertained and fixed, and, as a result of negotiations between representatives of Canada and Ontario, it has been mutually agreed upon that certain defined areas in the Province of Ontario are the property of Canada under the said designation;

NOW THIS AGREEMENT WITNESSETH that the parties hereto have mutually agreed, subject to the approval and ratification of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:

1. In this Agreement, the expression "lands" includes all interests in lands, lands covered by water and foreshore lands.

2. It is hereby declared that the harbours as described in Schedule "A" to this Agreement are the Public Harbours in Ontario that are included in the Third Schedule to the British North America Act, 1867, and accordingly it is hereby recognized and further declared that:

- (a) subject to clause 3 of this Agreement, all ungranted lands within the harbours as described in Schedule A to this Agreement belong to Her Majesty in right of Canada; and
- (b) subject to clause 4 of this Agreement, all ungranted lands not within any harbour as described in Schedule A to this Agreement belong to Her Majesty in right of Ontario.

3. It is hereby further declared that all mines and minerals, including gold and silver and base metals, in, upon or under all lands within the harbours as described in Schedule A to this Agreement are the property of and are vested in Her Majesty in right of Ontario.

4. Nothing in this Agreement affects the title to

- (a) any lands that prior to the date of this Agreement were conveyed or transferred by one party to this Agreement to the other party or any lands the administration and control of which

were, prior to the date of this Agreement, transferred by Her Majesty in right of Canada to Her Majesty in right of Ontario or by Her Majesty in right of Ontario to Her Majesty in right of Canada; or

- (b) any lands belonging to Her Majesty in right of Canada at the date of this Agreement and acquired otherwise than by virtue of the Second Item in the Third Schedule to the British North America Act, 1867.

5. It is hereby further declared that all grants and quit-claims by Her Majesty in right of Canada as described in Schedule B to this Agreement are hereby confirmed by Ontario, and that all grants and quit-claims by Her Majesty in right of Ontario as described in Schedule C to this Agreement are hereby confirmed by Canada.

6. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of Ontario.

IN WITNESS WHEREOF the Minister of Transport has hereunto set his hand on behalf of the Government of Canada and the Minister of Lands and Forests and the Minister of Mines have hereunto set their hands on behalf of the Government of the Province of Ontario.

Signed on behalf of the Government of Canada  
by the Minister of Transport, in the presence of

(Sgd.) RENEE SIMARD

(Sgd.)  
LEON BALCER

Signed on behalf of the Government of the Province  
of Ontario by the Minister of Lands and Forests,  
in the presence of

(Sgd.) MILDRED DONALDSON

(Sgd.)  
J. W. SPOONER

and by the Minister of Mines, in the presence of

(Sgd.) D. P. DOUGLASS

(Sgd.)  
G. C. WARDROPE

*Schedule A*

## PUBLIC HARBOURS

## AMHERSTBURG

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of the Detroit River, lying adjacent to the Township of Malden, the Town of Amherstburg and the Township of Anderdon, in the County of Essex and Province of Ontario and being more particularly described as follows:

COMMENCING at a point in the waters of the Detroit River, being the intersection of the International Boundary with the production westerly of the southern boundary of Lot 16, in Concession 1, in the Township of Malden;

THENCE easterly along the production westerly of the said southern boundary of Lot 16, to the high water mark of the Detroit River;

THENCE northerly along the high water mark of the East bank of the Detroit River to its intersection with the northern boundary of Lot 15, in Concession 1, in the Township of Anderdon;

THENCE westerly along the production westerly of the northern boundary of said Lot 15 to the intersection thereof with the International Boundary;

THENCE southerly along the International Boundary to the point of commencement as shown outlined in green on plan number T1785 attached to this Schedule.

## BELLEVILLE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Bay of Quinte, of Lake Ontario and the Moira River, being a water lot lying in front of part of Lot 2 and in front of Lots 3 and 4, in Concession 1, and in front of Lot 5 and part of Lot 6, in the Broken Front Concession, in the Township of Thurlow, the said Lots now being in the City of Belleville, in the County of Hastings and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the southern boundary of Lot 1 fronting on the East side of South Church Street as shown on the Government Plan in the City of Belleville as having a bearing of North 73 degrees 20 minutes East;

COMMENCING at a point in the production southerly of the eastern limit of Newberry Street as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Hastings as Plan Number 415, the said point being under the waters of the Bay of Quinte and being located as follows:

STARTING at the southwesterly angle of Lot 8, as shown on the Murney Plan in the City of Belleville, the said angle being the intersection of the western boundary of Lot 1, in Concession 1, in the Township of Thurlow with the northern limit of Dundas Street West, as shown on that Plan;

THENCE South 18 degrees 08 minutes 15 seconds East along the said boundary of Lot 1 and the production southerly thereof, a distance of 2493.77 feet;

THENCE North 76 degrees 48 minutes 30 seconds East, a distance of 6672.98 feet, more or less, to a point in the above mentioned production southerly of the eastern limit of Newberry Street, the said point being the point of commencement;



THENCE South 76 degrees 48 minutes 30 seconds West, a distance of 5266.43 feet, more or less, to the intersection thereof with the eastern limit of the property of the Department of Highways of Ontario, the said limit being a line drawn parallel to and perpendicularly distant 80 feet measured easterly from the centre line of the Belleville-Prince Edward County Bridge, and shown on Department of Highways Plan P-1463-3;

THENCE North 13 degrees 21 minutes 30 seconds West along the said limit, a distance of 388.18 feet;

THENCE South 76 degrees 38 minutes 30 seconds West, a distance of 50 feet;

THENCE North 13 degrees 21 minutes 30 seconds West along the eastern limit of the property of the Department of Highways of Ontario to the natural High Water Mark of Bushy Island, shown as Lot 75 on the Murney Plan in the City of Belleville;

THENCE in a general easterly and northerly direction along the natural High Water Mark of Bushy Island to the intersection thereof with the eastern limit of the property of the said Department of Highways, as described in an Instrument registered in the Registry Office for the Registry Division of the County of Hastings as No. 161;

THENCE northerly along the said eastern limit to the natural High Water Mark of the Bay of Quinte;

THENCE in a general easterly direction along the natural High Water Mark of the Bay of Quinte and the Moira River to the intersection thereof with a line drawn North 19 degrees 28 minutes 45 seconds West from the point of commencement, the said intersection being distant 1374 feet, more or less, measured South 19 degrees 28 minutes 45 seconds East along the eastern limit of said Newberry Street and the production southerly thereof from the northwesterly angle of Lot 1, as shown on the said Plan No. 415;

THENCE South 19 degrees 28 minutes 45 seconds East, a distance of 3000 feet, more or less, to the point of commencement.

SAVING AND EXCEPTING thereout and therefrom that portion of the Moira River lying North of the southerly side line of the bridge of the Canadian Pacific Railway, crossing the said River near the mouth thereof;

As shown outlined in green on plan Number T1786 attached to this Schedule.

#### BROCKVILLE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River, being a water lot lying in front of Lots 9, 10, 11 and 12, and part of Lot 13, and in front of the original allowance for road between Lots 12 and 13, in Concession 1, in the Township of Elizabethtown, the said Lots and allowances for road now being in the City of Brockville, in the County of Leeds and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the western limit of Thomas Street, as shown on the compiled plan of the City of Brockville by Chipman, P.L.S., and filed in the Registry Office for the Registry Division of the County of Leeds as Plan No. 67, which said limit has a bearing of North 30 degrees 17 minutes West;

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the eastern boundary of said Lot 9, the said intersection being distant 3635.26 feet measured South 30 degrees 34 minutes East

along the said boundary and that production from a point distant 28 feet measured easterly along a line drawn perpendicular to the said eastern boundary, from a concrete monument marking the northeasterly corner of Lot 58, in Block 3, as shown on the said compiled plan of the City of Brockville;

THENCE North 30 degrees 34 minutes West along the production southerly of the eastern boundary of Lot 9, a distance of 2633.26 feet to the natural High Water Mark of the North bank of the St. Lawrence River;

THENCE in a general southwesterly direction along the natural High Water Mark of the North bank of the St. Lawrence River to the intersection thereof with the production southerly of the western limit of Thomas Street;

THENCE south 30 degrees 17 minutes East along the production southerly of the western limit of Thomas Street, a distance of 2579.72 feet, more or less, to the said International Boundary;

THENCE northeasterly along the International Boundary, a distance of 6453 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1787 attached to this Schedule.

#### CHATHAM

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of the Thames River, being a water lot lying in front of part of Lot 24, in Concession 1, in the Township of Dover, and in front of part of Lot 1, in Concession 1, in the Township of Chatham, and in front of part of Lot 24, in Concession 1, reckoned on the eastern boundary from the Thames River, in the Township of Raleigh, and in front of part of Lot 1, in 1st Concession on River Thames, in the Township of Harwick, County of Kent and Province of Ontario, the said Lots now being in the City of Chatham, as shown on a plan of the Town of Chatham, by Kirk and Salter, Provincial Land Surveyors, and of record with the Department of Lands and Forests for the Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at the most southerly angle of Lot 1, in Block 13, as shown on the said plan of the Town of Chatham, the said angle being at the intersection of the northeastern limit of Salter Street and the High Water Mark of the westerly bank of the Thames River;

THENCE southerly in and along the High Water Mark of the westerly bank of the Thames River to the southerly angle of Lot 4, in Block 8, as shown on the said plan of the Town of Chatham;

THENCE southeasterly along the production southeasterly of the southwestern boundary of said Lot 4, across the Thames River to the intersection thereof with the High Water Mark of the easterly bank of the Thames River;

THENCE northerly in and along the High Water Mark of the eastern bank of the Thames River to the intersection thereof with the production southeasterly of the southwestern boundary of Lot 1, in Block 13;

THENCE northwesterly along the last said production southeasterly across the Thames River to the point of commencement;

As shown outlined in green on Plan Number T1788 attached to this Schedule.

#### COLLINGWOOD

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Nottawasaga Bay, of Georgian Bay, of Lake Huron, being a water lot lying opposite Lot 44, in Concession 8 and



Lots 44, 45 and 46, in Concession 9, in the Township of Nottawasaga, the said Lots now being in the Town of Collingwood, in the County of Simcoe and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the southeasterly angle of Lot 46, in Concession 10, in the Township of Nottawasaga;

COMMENCING at the intersection of the High Water Mark of Lake Huron with the western boundary of Lot 46, in Concession 9, in the said Township, the said intersection being distant 1730.73 feet measured North 9 degrees 06 minutes 35 seconds West along the said western boundary from the southwesterly angle of the said Lot;

THENCE North 5 degrees 00 minutes East, a distance of 5000 feet;

THENCE South 60 degrees 00 minutes East, a distance of 4786.5 feet, more or less, to the intersection thereof with the production northwesterly of the eastern limit of Niagara Street as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Simcoe as Plan 282;

THENCE South 30 degrees 34 minutes 35 seconds East along the said production of the eastern limit of Niagara Street, a distance of 5080.37 feet, more or less, to the High Water Mark of Nottawasaga Bay;

THENCE in a general southerly direction along the High Water Mark to the northwesterly limit of that portion of Huron Street granted by Crown, Ontario, to the Town of Collingwood on July 8th, 1904;

THENCE southwesterly along the said limit of Huron Street to the intersection thereof with the High Water Mark of Lake Huron;

THENCE in a general westerly and northerly direction following in and along the said High Water Mark to the point of commencement;

As shown outlined in green on Plan Number T1789 attached to this Schedule.

#### FORT WILLIAM

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Thunder Bay of Lake Superior, being a water lot lying opposite part of the allowance for road between the Townships of McIntyre and Neebing Additional (McKellar Ward) and opposite the allowance for road along the shore of Thunder Bay East of and adjacent to Lots 1 to 20 inclusive in Concession K, in the Township of Neebing Additional (McKellar Ward), now in the City of Fort William and opposite part of the Fort William Indian Reserve, in the District of Thunder Bay and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the Geodetic Station "Library";

COMMENCING at the intersection of the natural high water mark of Thunder Bay, with a line drawn parallel to and perpendicularly distant 33 feet northerly from the northern boundary of Lot 20, in Concession K, in the said Township of Neebing Additional (McKellar Ward);

THENCE South 89 degrees 56 minutes East along the production easterly of the said parallel line, a distance of 5738.8 feet, more or less, to a point in Thunder Bay, distant 7018.8 feet measured South 89 degrees 56 minutes East along the said parallel line and the production easterly thereof from the intersection of the said line with the production northerly of the western boundary of said Lot 20;

THENCE South 14 degrees 29 minutes East, a distance of 7700 feet;

THENCE South 06 degrees 57 minutes 34.27 seconds West, a distance of 17,714.84 feet, more or less, to the southeasterly angle of the water lot granted to the Department of Railways and Canals under Order-in-Council P.C. No. 2157, dated June 25th, 1921;

THENCE West, a distance of 2100 feet, more or less, to the natural high water mark of Thunder Bay;

THENCE in a general northerly direction along the said natural high water mark of Thunder Bay and the natural high water mark of the South bank of the Mission River, to the intersection thereof with a line drawn North 05 degrees 57 minutes 59 seconds West across the Mission River from the Geodetic Station "Mission";

THENCE North 05 degrees 57 minutes 59 seconds West along the said line across the Mission River to the natural high water mark of the North bank of the said River;

THENCE in a general northerly direction along the natural high water mark of the North bank of the Mission River and along the natural high water mark of Thunder Bay to the intersection thereof with a line drawn North 17 degrees 25 minutes 01 seconds East across the mouth of the McKellar River from the Geodetic Station "Playfair";

THENCE North 17 degrees 25 minutes 01 seconds East along the said line across the mouth of the McKellar River to the natural high water mark of Thunder Bay;

THENCE continuing in a general northerly direction along the natural high water mark of Thunder Bay to the intersection thereof with a line drawn North across the mouth of the Kaministiquia River from the Geodetic Station "C.P.R. Slip, North";

THENCE North along the last said line to the intersection thereof with the high water mark of the North bank of the said Kaministiquia River;

THENCE in a general northerly direction along the high water mark of the North bank of the said River and along the natural high water mark of Thunder Bay to the point of commencement.

SAVE AND EXCEPT Mutton Island;

As shown outlined in green on Plan Number T1798B attached to this Schedule.

#### GANANOQUE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River and the Gananoque River, being a water lot lying in front of part of Lot 13 and in front of Lots 14 and 15, in Concession 1, in the Township of Leeds, in the County of Leeds and Province of Ontario, the said Lots now being in the Town of Gananoque, as shown on a plan of part of the said Town by W. H. Deane, Provincial Land Surveyor, dated November 15th, 1858, and of record in the Department of Lands and Forests for the Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern limit of Lot 15, in Concession 1, in the Township of Leeds as having a bearing of North 00 degrees 46 minutes West;

COMMENCING at a point under the waters of the St. Lawrence River, which said point is distant 2779.16 feet measured South 3 degrees 27 minutes 30 seconds East along the eastern limit of Princess Street and the production southerly thereof from the intersection of the said limit of Princess Street with the southern limit of King Street West;



THENCE North 71 degrees 40 minutes East, a distance of 3982.28 feet, more or less, to a point in the production southerly of the eastern boundary of Lot 15, in the said Concession 1;

THENCE North 00 degrees 46 minutes West along the said production southerly of the eastern boundary of Lot 15, a distance of 2000 feet, more or less, to the natural High Water Mark of the St. Lawrence River;

THENCE westerly along the natural High Water Mark of the St. Lawrence River, and northerly along the natural High Water Mark of the East bank of the Gananoque River to the intersection thereof with the eastern limit of King Street;

THENCE southerly along the eastern limit of King Street to the intersection thereof with the natural High Water Mark of the West bank of the Gananoque River;

THENCE in a general southerly direction along the last said High Water Mark and westerly along the natural High Water Mark of the St. Lawrence River to the intersection thereof with the production southerly of the eastern limit of Princess Street;

THENCE South 3 degrees 27 minutes 30 seconds East along that production to the intersection thereof with the natural High Water Mark of Little Island in the St. Lawrence River;

THENCE Southeasterly along the natural High Water Mark of Little Island to the intersection thereof with the production southerly of the said eastern limit of Princess Street;

THENCE South 3 degrees 27 minutes 30 seconds East along the said production of Princess Street to the point of commencement;

As shown outlined in green on Plan Number T1790 attached to this Schedule.

#### GODERICH

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Huron and the Maitland River, being a water lot lying opposite part of Block "A", in the Township of Colborne and opposite the Town of Goderich, in the County of Huron and Province of Ontario, the said Town being shown on a plan of survey by T. V. Molesworth, P.L.S. and of record with the Department of Lands and Forests of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the northern boundary of Lot 1, in Concession "A", in the Township of Goderich, as having a bearing of East;

COMMENCING at a point under the waters of Lake Huron, the said point being distant 3389.66 feet measured West along the northern boundary of Lot 1, in Concession "A", in the Township of Goderich and the production westerly thereof from the northeasterly angle of the said Lot;

THENCE North 13 degrees 10 minutes West, a distance of 3269.6 feet;

THENCE North 76 degrees 50 minutes East, a distance of 3997 feet, more or less, to the natural high-water mark of Lake Huron;

THENCE in a general southerly direction along the natural high water mark of Lake Huron and along the natural high water mark of the North bank of the Maitland River to the intersection thereof with a line drawn North 6 degrees 51 minutes West from the said northeasterly angle of Lot 1, in Concession "A";

THENCE South 6 degrees 51 minutes East across the Maitland River to an iron bar planted, the said iron bar being distant 3251.77 feet measured

North 6 degrees 51 minutes West from the said northeasterly angle of Lot 1, in Concession "A", which said iron bar is; for the purpose of this description, designated as point "A";

THENCE South 32 degrees West, a distance of 820 feet, more or less, to the North face of the North concrete pier forming the Basin entrance;

THENCE easterly along that face to the easterly extremity of that pier;

THENCE northerly along the high water mark of the Basin to the South face of the concrete wharf forming the northerly limit of the Basin;

THENCE in a general easterly, southerly and westerly direction along the southerly, westerly and northerly faces of the concrete wharf forming the Basin to the intersection thereof with a line drawn South 14 degrees 57 minutes 55 seconds West from the said point "A";

THENCE South 14 degrees 57 minutes 55 seconds West across the South concrete pier forming the Basin entrance, a distance of 35 feet, more or less, to the South face of the said pier;

THENCE in a general southerly direction along the natural high water mark of Lake Huron to the intersection thereof with a line drawn East through the point of commencement, the said intersection being distant 489.66 feet, more or less, measured West along the northern boundary of said Lot 1, in Concession "A" from the northeasterly angle of the said Lot;

THENCE West, a distance of 2900 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1791 attached to this Schedule.

#### KINCARDINE

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of Lake Huron, being a water lot lying adjacent to the Town of Kincardine, in the County of Bruce and Province of Ontario and being more particularly described as follows:

PREMISING the bearings hereinafter mentioned are astronomical and are referred to the bearing of South 59 degrees 26 minutes East for the northeasterly limit of the Town of Kincardine as shown on the plan of the said Town by A. P. Brough, D.P.S., dated 3rd May 1851 and of record with the Department of Lands and Forests for the Province of Ontario;

COMMENCING at the intersection of the high water mark of Lake Huron with the production northwesterly of the southwestern limit of Lambton Street, the said intersection being distant 210 feet measured North 59 degrees 26 minutes West along the said production of Lambton Street from the most northerly angle of Lot 10 on the East side of Saugheen Street;

THENCE North 59 degrees 26 minutes West, a distance of 1270 feet;

THENCE South 53 degrees 20 minutes West, a distance of 1087.95 feet;

THENCE South 30 degrees 34 minutes West, a distance of 272.54 feet, more or less, to intersect a line drawn on a course of North 59 degrees 26 minutes West from the southeasterly angle of Lot 7 on the West side of Huron Terrace;

THENCE South 59 degrees 26 minutes East, a distance of 2000 feet, more or less, to the high water mark of Lake Huron;

THENCE northerly along the said high water mark of Lake Huron and along the high water mark of the Kincardine Harbour to its intersection of the Western limit of Huron Terrace;

THENCE North 30 degrees 34 minutes East along the said limit of Huron Terrace to its intersection with the high water mark of the said harbour;

THENCE along the high water mark of the said harbour and along the high water mark of Lake Huron to the point of commencement;

As shown outlined in green on Plan Number T1792 attached to this Schedule.

#### KINGSTON

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Ontario and the St. Lawrence River and the Cataraqui River, being a water lot lying in front of Lots 18, 19, 20 and 21 and in front of the allowance for road between Lots 17 and 18, in the Broken Front Concession, and in front of Lots 22, 23 and 24, in Concession 1, and in front of the Town of Kingston as incorporated in 1838, and in front of Lot 1 West of the Great Cataraqui River, in the Township of Kingston, the said Lots and Town now being in the City of Kingston, in the County of Frontenac and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through a standard iron bar planted at the most southerly end of Point Frederick;

COMMENCING at a point in the waters of Lake Ontario, the said point being distant 3887.71 feet measured South 4 degrees 24 minutes 45 seconds East along the easterly boundary of Lot 17 in the said Broken Front Concession and the production southerly thereof from the north-easterly angle of the said Lot;

THENCE due East 14,342.88 feet, more or less, to a point distant 6080 feet measured South 4 degrees 1 minute 30 seconds East from a standard iron bar planted at the natural high water mark of the most southerly end of Point Frederick;

THENCE North 4 degrees 1 minute 30 seconds West, a distance of 6075 feet, more or less, to the water's edge at the most southerly end of Point Frederick;

THENCE in a general northerly direction along the water's edge of the East bank of the Cataraqui River to the intersection thereof with the production easterly of the northerly boundary of Lot 1, West of the Great Cataraqui River;

THENCE South 78 degrees 58 minutes West along that production to the intersection thereof with the natural high water mark of Bell Island;

THENCE in a general southwesterly, westerly and northwesterly direction along the said natural high water mark to its intersection with the said production easterly of the northerly boundary of said Lot 1;

THENCE South 78 degrees 58 minutes West along the said easterly production to its intersection with the natural high water mark of the West bank of the Cataraqui River, the said intersection being distant 3131.81 feet measured North 78 degrees 58 minutes East along the northerly boundary of the said Lot 1 from the northwesterly angle thereof;

THENCE in a general southerly and westerly direction along the natural high water mark of the said westerly bank of the Cataraqui River and of Lake Ontario to the intersection with the easterly boundary of Lot 17 in the said Broken Front Concession, the said intersection being distant 2221.20 feet measured South 4 degrees 24 minutes 45 seconds East along the said easterly boundary from the northeasterly angle of the said Lot;



THENCE South 4 degrees 24 minutes 45 seconds East along the production southerly of the said easterly boundary of Lot 17, a distance of 1666.51 feet to the point of commencement;

As shown outlined in green on Plan Number T2866 attached to this Schedule.

#### KINGSVILLE

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie, being a water lot lying in front of Lot 1 and part of Lot 2, in Concession 1 Eastern Division, in the Township of Gosfield South, the said Lots now being in the Town of Kingsville, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the northwesterly angle of Lot 15 as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 965:

COMMENCING at the intersection of the high water mark of Lake Erie with the western boundary of said Lot 1, the said intersection being distant 369 feet measured South 03 degrees 20 minutes 15 seconds West along the said boundary from the northwesterly angle of Lot 15 as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 965;

THENCE South 03 degrees 20 minutes 15 seconds West, a distance of 2100 feet;

THENCE North 72 degrees 14 minutes 45 seconds East, a distance of 3642.5 feet, more or less, to the intersection thereof with the production southerly of the western limit of Wigle Avenue as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 432;

THENCE North 00 degrees 22 minutes East along the said production southerly of the western limit of Wigle Avenue, a distance of 2218.94 feet, more or less, to the high water mark of Lake Erie;

THENCE westerly along the said high water mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1793 attached to this Schedule.

#### LEAMINGTON

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie, being a water lot lying in front of part of Lots 6 and 7, in Concession 1, in the Township of Mersea, in the County of Essex, and Province of Ontario, the said Lots now being in the Town of Leamington, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 6, in Concession 1, in the Township of Mersea, as having a bearing of North 2 degrees 55 minutes East;

COMMENCING at the intersection of the High Water Mark of Lake Erie with a line drawn parallel to and distant 660 feet measured westerly at right angles to the eastern boundary of Lot 6, the said intersection being located as follows:

STARTING at the intersection of the eastern boundary of said Lot 6 with the southern limit of the allowance for road as laid out by the Township of Mersea By-law Number 58;

THENCE North 87 degrees 04 minutes West along the said southern limit of the said allowance for road, a distance of 660 feet;

THENCE South 02 degrees 55 minutes West parallel to the said eastern boundary of said Lot 6, a distance of 1496.25 feet to the point of commencement;

THENCE South 02 degrees 55 minutes West, a distance of 2000 feet;

THENCE South 65 degrees 25 minutes East, a distance of 1491.37 feet, more or less, to a point in the production southerly of a line drawn parallel to and distant 660 feet measured easterly at right angles from the western boundary of said Lot 7, in the said Concession;

THENCE North 02 degrees 55 minutes East along the said production southerly, a distance of 1892 feet, more or less, to the High Water Mark of Lake Erie;

THENCE westerly along the said High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1794 attached to this Schedule.

#### OSHAWA

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Ontario, being a water lot lying in front of part of Lots 5, 6 and 7, in the Broken Front Concession, in the Township of East Whitby, in the County of Ontario, and Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomic and are referred to the northern boundary of Lot 6, in the Broken Front Concession, in the Township of East Whitby, as having a bearing of North 72 degrees 46 minutes 30 seconds East;

COMMENCING at the intersection of the High Water Mark of Lake Ontario with a line drawn parallel to the easterly face of the western pier of Oshawa Harbour and distant 892.15 feet measured easterly at right angles thereto, the said intersection being located as follows:

STARTING at the northeasterly angle of Lot 6, in the Broken Front Concession, in the said Township;

THENCE South 17 degrees 01 minutes East along the eastern boundary of said Lot 6, the said boundary being the western limit of a travelled road through Lot 5, in the said Concession, a distance of 1657.75 feet;

THENCE South 17 degrees 11 minutes 30 seconds East continuing along the said limit of the said road, a distance of 1952.93 feet;

THENCE South 18 degrees 22 minutes 40 seconds East continuing along the said limit of the said road, a distance of 1708.32 feet;

THENCE South 18 degrees 25 minutes 55 seconds East continuing along the said limit, a distance of 804.90 feet;

THENCE South 45 degrees 56 minutes 30 seconds East, a distance of 1054.4 feet to the point of commencement;

THENCE South 32 degrees 35 minutes 30 seconds East along the said parallel line, a distance of 2750 feet.

THENCE South 49 degrees 24 minutes 30 seconds West, a distance of 1405.8 feet, more or less, to a line drawn parallel to the said easterly face of the westerly pier and distant 500 feet measured westerly at right angles thereto;

THENCE North 32 degrees 35 minutes 30 seconds West along the last said parallel line, a distance of 2469.82 feet, more or less, to the intersection thereof with the High Water Mark of Lake Ontario;

THENCE northeasterly along the High Water Mark of Lake Ontario and Oshawa Harbour to the point of commencement;

As shown outlined in green on Plan Number T1795 attached to this Schedule.

#### OWEN SOUND

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Owen Sound, of Georgian Bay, of Lake Huron and of the Potowatami and the Sydenham Rivers, being a water lot lying opposite the Allowance for Road lying in rear of Lots 10, 11, 12, 13, 14, 15, 16 and 17, in Concession 3, in the Township of Sarawak and lying opposite the City of Owen Sound, in the County of Grey and Province of Ontario, the said City being shown on plans of survey of the Town of Brooks and the Village of Sydenham and of record in the Department of Lands and Forests, Ontario, the said water lot being more particularly described as follows:

COMMENCING at the intersection of the natural High Water Mark of Owen Sound with the production easterly of the northern boundary of Lot 17, in Concession 3, in the Township of Sarawak, the said intersection being distant 2459 feet measured easterly along the said boundary and the said production thereof from the northwesterly angle of the said Lot;

THENCE southerly along the natural High Water Mark of Owen Sound and the natural High Water Mark of the West bank of the Potowatami River to the intersection thereof with the production northerly of the eastern limit of First Avenue West as shown on the said plan of the Town of Brooke;

THENCE southerly along the production northerly of the eastern limit of First Avenue West to the intersection thereof with the natural High Water Mark of the East bank of the Potowatami River;

THENCE northerly along the natural High Water Mark of the East bank of Potowatami River and easterly along the natural High Water Mark of Owen Sound and southerly along the High Water Mark of the West bank of the Sydenham River to the intersection thereof with the northern limit of Tenth Street West as shown on the said plan of the Village of Sydenham;

THENCE easterly along the northern limit of Tenth Street West to the intersection thereof with the High Water Mark of the East bank of the Sydenham River;

THENCE northerly along the High Water Mark of the East bank of the Sydenham River and continuing in a general northerly direction along the natural High Water Mark of Owen Sound to the intersection thereof with the western limit of the Allowance for Road between the City of Owen Sound and the Township of Sydenham;

THENCE northerly along the production northerly of the western limit of the said Allowance for Road, a distance of 142 feet, more or less, to the intersection thereof with the production easterly of the northern boundary of Lot 17, in Concession 3, in the said Township of Sarawak, the said intersection being distant 2810.19 feet measured northerly along the western limit of the said Allowance for Road and the said production thereof from the southeasterly angle of Park Lot B, in Squaw Point, in the City of Owen Sound;

THENCE westerly along the said production easterly of the northern boundary of said Lot 17, a distance of 8850.82 feet, more or less, to the point of commencement;



As shown outlined in green on Plan Number T1796 attached to this Schedule.

#### PENETANGUISHENE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Penetang Harbour, of Georgian Bay, of Lake Huron, being a water lot lying opposite part of the Military Reserve Triangular Redoubt, Lots 1 and 2 in Concession 16, the allowance for road between Concessions 15 and 16, Lot 2 in Concession 15, the Military Reserve Square Redoubt, Lot 3 in Concession 14, the allowance for road between said Lot 3 and Park Lot 1 West of the Bay, Park Lots 1, 2, 3, 4, 5, 6, 18, 19, 20 and 21 West of the Bay, Lots 117 and 116 in Concession 1, West of Penetanguishene Road and the Western part of the Town Plot of Penetanguishene, all in the Township of Tiny, and opposite the allowance for road between the Townships of Tiny and Tay, known as the Penetanguishene Road, and opposite the eastern part of the Town Plot of Penetanguishene, the Pensioners' 3-acre Lots, formerly known as the Military Ordnance Lands, and part of the Reformatory Prison Farm, all in the Township of Tay, in the County of Simcoe, and Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at the intersection of the natural high water mark of the eastern shore of Penetang Harbour with the production north-westerly of the eastern limit of the allowance for road between Concessions 1 and 2, East of the Penetanguishene Road, in the Township of Tay, the said intersection being distant 5048 feet measured northwesterly along the said limit from the most southerly angle of Lot A 1 of the Pensioners' 40-acre Lots in the said Township;

THENCE northwesterly along that production, a distance of 2643.55 feet, more or less, to the southeasterly angle of Lot 11 as shown on a plan of subdivision of part of the Military Reserve Triangular Redoubt, filed in the Registry Office for the Registry Division of the County of Simcoe as Plan 1143;

THENCE in a general southerly direction along the natural high water mark of the West shore of Penetang Harbour and continuing in a general northerly direction along the natural high water mark of the East shore of Penetang Harbour to the point of commencement.

SAVE AND EXCEPTING Magazine Island;

As shown outlined in green on Plan Number T1797 attached to this Schedule.

#### PORT ARTHUR

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Thunder Bay, of Lake Superior, being a water lot lying opposite Mining Locations 2, 3, 4 and 6, in the Township of McGregor, and opposite Mining Location 7, and Sections 37, 38, 39, 51 and 52, in the Township of McIntyre, and in front of Prince Arthur's Landing and part of the allowance for road between the Townships of McIntyre and Neebing Additional (McKellar Ward), all of the above now being in the City of Port Arthur, in the District of Thunder Bay and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the Geodetic Station "Stephen";

COMMENCING at the intersection of the natural high water mark of Thunder Bay, with a line drawn parallel to and perpendicularly distant 33 feet northerly from the northern boundary of Lot 20, in Concession K, in the Township of Neebing Additional (McKellar Ward);

THENCE South 89 degrees 56 minutes East along the production easterly of the said parallel line, a distance of 5738.8 feet, more or less, to a point in Thunder Bay, distant 7018.8 feet measured South 89 degrees

56 minutes East along the said parallel line and the production easterly thereof from the intersection of the said line with the production northerly of the western boundary of said Lot 20;

THENCE North 14 degrees 29 minutes 7.18 seconds West, a distance of 8687.2 feet;

THENCE North 31 degrees 58 minutes 47.95 seconds East, a distance of 2356.3 feet;

THENCE North 44 degrees 35 minutes 18.2 seconds East, a distance of 11,717 feet;

THENCE North 23 degrees 46 minutes East, a distance of 7837.8 feet, more or less, to a point distant 3128.8 feet measured South 00 degrees 33 minutes East along the eastern boundary of the said Mining Location 2 and the production southerly thereof, from the northeasterly angle of the said Mining Location 2;

THENCE North 00 degrees 33 minutes West along that production, a distance of 2000 feet, more or less, to the natural high water mark of Thunder Bay;

THENCE in a general southerly direction along the said high water mark to the point of commencement;

As shown outlined in green on Plan Number T1798A attached to this Schedule.

#### PORT BURWELL

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Erie and of Big Otter Creek, being a water lot lying in front of Lots 11 and 12, in Concession 1, in the Township of Bayham, part of the said Lots now being in the Town of Port Burwell in the County of Elgin and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 12, in Concession 1, in the Township of Bayham, as North 00 degrees 54 minutes 30 seconds East;

COMMENCING at the intersection of the western boundary of Lot 11, with the natural High Water Mark of Lake Erie;

THENCE South 00 degrees 42 minutes 15 seconds West along the production southerly of the said western boundary of Lot 11, a distance of 3850 feet, more or less, to a point in Lake Erie distant 11,657 feet measured South 00 degrees 42 minutes 15 seconds West along the said boundary and the said production from the northwesterly angle of said Lot 11;

THENCE South 89 degrees, 17 minutes 45 seconds East, a distance of 2626.92 feet, more or less, to the intersection with the production southerly of the eastern boundary of said Lot 12;

THENCE North 00 degrees 54 minutes 30 seconds East along the said production southerly of the eastern boundary of said Lot 12, a distance of 5461 feet, more or less, to the natural High Water Mark of Lake Erie;

THENCE westerly along the natural High Water Mark of Lake Erie and northerly along the High Water Mark of the East bank of Big Otter Creek to the intersection thereof with the production westerly of the northern limit of Waterloo Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Elgin, as Plan Number 12;

THENCE westerly along the said production westerly of the northern limit of Waterloo Street to the High Water Mark of the West bank of Big Otter Creek;



THENCE southerly along the High Water Mark of the West bank of Big Otter Creek and westerly along the natural High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1799 attached to this Schedule.

#### PORT HOPE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Ontario and of the Ganaraska River, being a water lot lying in front of part of Lot 5, Lot 6, part of Lot 7, and the Allowance for Road between Lots 6 and 7, all in the Broken Front Concession, in the Township of Hope, and now in the Town of Port Hope, in the County of Durham and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the westerly limit of Lot 4, in the Broken Front Concession, in the Township of Hope, and now in the Town of Port Hope as being North 18 degrees 49 minutes 30 seconds West;

COMMENCING at a point in Lake Ontario, opposite Lot 5, in the said Broken Front Concession which may be located as follows:

STARTING at the northeasterly corner of the said Lot Five (5);

THENCE South 18 degrees 49 minutes 30 seconds East along the eastern boundary of the said Lot 5, a distance of 989.25 feet;

THENCE South 70 degrees 53 minutes 30 seconds West, a distance of 968.67 feet;

THENCE South 18 degrees 49 minutes 30 seconds East, a distance of 4182.10 feet to the point of commencement of the herein described land;

THENCE South 71 degrees 10 minutes 30 seconds West, a distance of 2400 feet, more or less, to the intersection with a line drawn South 18 degrees 49 minutes 30 seconds East, through a point in the said Lot 7 which may be located as follows:

STARTING at the intersection of the southern boundary of Hayward Street with the western boundary of John Street as shown on a plan of the Town of Port Hope and registered in the Registry Office for the Registry Division of the East Riding of the County of Durham;

THENCE southerly along the westerly boundary of John Street, a distance of 1258 feet;

THENCE South 71 degrees 10 minutes 30 seconds West, a distance of 301.10 feet to the above mentioned point in the said Lot 7;

THENCE North 18 degrees 49 minutes 30 seconds West along the above mentioned line, a distance of 2873.45 feet, more or less, to the natural High Water Mark of Lake Ontario;

THENCE in a general easterly and northerly direction along the High Water Mark of Lake Ontario and of the western bank of the Ganaraska River to the intersection of the last mentioned High Water Mark with the southern limit of Gage Street, as shown on the said plan of the Town of Port Hope;

THENCE easterly along that southern limit to the intersection with the High Water Mark on the eastern bank of the Ganaraska River;

THENCE in a general southerly and easterly direction along that High Water Mark and the natural High Water Mark of Lake Ontario, to the intersection of the last mentioned High Water Mark with a line drawn North 18 degrees 49 minutes 30 seconds West through the point of commencement;

THENCE South 18 degrees 49 minutes 30 seconds East along that line a distance of 3800 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1817 attached to this Schedule.

#### PORT STANLEY

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Erie and of Kettle Creek, being a water lot lying in front of Lot 1, in Concession 1, in the Township of Yarmouth and in front of part of Lot 16, in Range 1, South of Lake Road in the Township of Southwold and opposite the Allowance for Road between the said Townships, the said Lots now being in the Village of Port Stanley, in the County of Elgin and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the line between Lots 1 and 2, in Concession 1, in the Township of Yarmouth as having a bearing of North 2 degrees 27 minutes East;

COMMENCING at the intersection of the natural High Water Mark of Lake Erie with the eastern limit of William Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Elgin as Plan Number 176;

THENCE South 02 degrees 51 minutes West along the production southerly of the said eastern limit of William Street, a distance of 2128.5 feet, more or less, to a point in Lake Erie distant 4058.56 feet measured South 02 degrees 51 minutes West along the said limit of William Street and the production southerly thereof from the southwesterly angle of Lot 5 fronting on the North side of George Street, East of William Street, as shown on a plan of subdivision filed in the said Registry Office as Plan Number 117;

THENCE East, a distance of 2112 feet, more or less, to the intersection with the production southerly of the eastern boundary of Lot 1, in Concession 1, in the Township of Yarmouth;

THENCE North 02 degrees 27 minutes East along the said production southerly of the eastern boundary of said Lot, a distance of 4000 feet, more or less, to the natural High Water Mark of Lake Erie;

THENCE in a general southwesterly direction along the natural High Water Mark of Lake Erie and northerly along the natural High Water Mark of the East bank of Kettle Creek to the intersection thereof with the southern limit of Warren Street as shown on a plan of subdivision registered in the said Registry Office as Plan Number 117;

THENCE westerly along the said limit of Warren Street to the intersection thereof with the natural High Water Mark of the West bank of Kettle Creek;

THENCE southerly along the natural High Water Mark of the West bank of Kettle Creek and westerly along the natural High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1818 attached to this Schedule.

#### PRESCOTT

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River, being a water lot lying in front of Lots 34, 35, 36, 37 and the Commons, now known as Lot 38, in Concession 1, in the Township of Edwardsburgh, and in front of Commons Lot A and Lots 1, 2, 3, 4, and part of Lot 5, and in front of the original Allowance for Road between Lot 1 and Commons Lot A, in

Concession 1, in the Township of Augusta, part of the said Lots, excepting Lots 34, 35 and 36, in the Township of Edwardsburgh, now being in the Town of Prescott, in the County of Grenville and Province of Ontario, which said water lot is more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the western limit of Sophia Street, as shown on the compiled plan of the Town of Prescott by Willis Chipman, P.L.S. and filed in the Registry Office for the Registry Division of the County of Grenville as Plan Number 15, as having a bearing of South 40 degrees 15 minutes 20 seconds East;

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the said westerly limit of Sophia Street, the said intersection being distant 2985.25 feet measured South 40 degrees 15 minutes 20 seconds East along the said westerly limit of Sophia Street and that production from the southeasterly angle of Lot 39 on the South side of King Street, in Block 3, as shown on the said plan No. 15;

THENCE North 40 degrees 15 minutes 20 seconds West along the production southerly of the westerly limit of Sophia Street, a distance of 2663.60 feet to the High Water Mark of the North bank of the St. Lawrence River;

THENCE in a general northeasterly direction along the High Water Mark of the North bank of the St. Lawrence River to the intersection thereof with the production southerly of the easterly boundary of Lot 34, in Concession 1, in the said Township of Edwardsburgh;

THENCE South 30 degrees 45 minutes East along the production southerly of the said easterly boundary, a distance of 1661.1 feet, more or less, to the said International Boundary;

THENCE southwesterly along the said International Boundary, a distance of 7157.4 feet, more or less, to turning point No. 62;

THENCE southwesterly, continuing along the said International Boundary, a distance of 3624.6 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1995 attached to this Schedule.

#### RONDEAU BAY

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie and Rondeau Bay, being a water lot lying adjacent to and on each side of the Sand Bar at Rondeau Harbour, in the Township of Harwich, in the County of Kent and Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the intersection of the easterly face of the westerly pier of Rondeau Harbour with the centre line of Mariner's Road, as shown on a plan of subdivision registered in the Registry Office for the County of Kent as Plan Number 439;

COMMENCING at the intersection of the high water mark of Lake Erie with a line drawn parallel to and distant 500 feet measured westerly at right angles from the easterly face of the westerly pier of Rondeau Harbour, the said intersection being located as follows:

STARTING at the intersection of the easterly face of the said westerly pier with the southern limit of Mariner's Road as shown on a plan of subdivision registered in the Registry Office for the County of Kent as Plan Number 439;



THENCE North 73 degrees 10 minutes 40 seconds West along the southern limit of Mariner's Road, a distance of 501.25 feet, more or less, to the intersection thereof with the said parallel line;

THENCE South 12 degrees 45 minutes 35 seconds West along the said parallel line, a distance of 257.32 feet, to the point of commencement;

THENCE easterly along the high water mark of Lake Erie and along the several faces of the westerly pier to a point on the easterly face of the said pier, distant 421.18 feet measured northerly along the said pier from the intersection thereof with the said southern limit of Mariner's Road;

THENCE South 77 degrees 14 minutes 25 seconds East, a distance of 100 feet;

THENCE North 12 degrees 45 minutes 35 seconds East parallel to the said easterly face of the said westerly pier, a distance of 800 feet;

THENCE South 77 degrees 14 minutes 25 seconds East, a distance of 700 feet;

THENCE South 12 degrees 45 minutes 35 seconds West parallel to the said easterly face of the said pier, a distance of 800 feet, more or less, to the high water mark of Rondeau Bay;

THENCE westerly following in and along the high water mark of Rondeau Bay and along the faces of the easterly pier of Rondeau Harbour, and along the high water mark of Lake Erie to the intersection thereof with a line drawn parallel to the easterly face of the westerly pier and distant 800 feet measured easterly at right angles thereto;

THENCE South 12 degrees 45 minutes 35 seconds West along the said parallel line to the intersection thereof with a line drawn South 77 degrees 14 minutes 25 seconds East from a point in the said parallel line drawn through the point of commencement and distant 1750 feet measured South 12 degrees 45 minutes 35 seconds West along the said parallel line from the said point of commencement;

THENCE North 77 degrees 14 minutes 25 seconds West, a distance of 1300 feet to the said parallel line through the point of commencement;

THENCE North 12 degrees 45 minutes 35 seconds East along the said parallel line, a distance of 1750 feet to the point of commencement;

As shown outlined in green on Plan Number T1996 attached to this Schedule.

#### SARNIA

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Saint Clair River, being a water lot lying in front of the Village of Point Edward, formerly part of the Military Reserve and in front of Lots 70, 71, 72, 73, 74, 75 and 76, in the Front Concession, in the Township of Sarnia and in front of the Town of Sarnia, formerly part of the Sarnia Indian Reserve; the said Lots and Town now being in the City of Sarnia, in the County of Lambton and the Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at a point in the waters of the Saint Clair River, being the intersection of the International Boundary between Canada and the United States of America, with the production westerly the southern limit of the approach to the International Bridge between Point Edward, Ontario, and Port Huron, Michigan, as shown on Department of Highways of Ontario Plan P2039-2 and deposited in the Registry Office for the Registry Division of the County of Lambton as Number 153;

THENCE easterly along that production to the high water mark of the East bank of the Saint Clair River;

THENCE in a general southerly direction along the said high water mark to the intersection thereof with the northern boundary of Lot 44, fronting on the River, in the Sarnia Indian Reserve;

THENCE westerly along the production westerly of the said northern boundary of Lot 44, to the intersection thereof with the said International Boundary;

THENCE northerly along the said International Boundary to the point of commencement;

As shown outlined in green on Plan Number T1997 attached to this Schedule.

#### SAULT STE. MARIE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Marys River, being a water lot lying in front of the Town Plot of St. Mary's and in front of Church Street and Park Lots 23, 24, 25, 26, 27, 28, 29, in Concession 1, as shown on the plans of the Town Plot and the Park Lots adjoining the Town of St. Mary's as surveyed by Alexander Vidal, P.L.S., dated October 1846 and of record in the Department of Lands and Forests, Ontario, and in front of Broken Section 2 and the East one-half of Broken Section 3, in the Township of Awenge, now in the City of Sault Ste. Marie and in front of the West one-half of Broken Section 3 and in front of Broken Section 10 in the said Township, in the District of Algoma, in the Province of Ontario and being more particularly described as follows:

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the eastern limit of Church Street;

THENCE northerly along the said production to the intersection thereof with the high water mark of the North bank of the St. Mary's River, the said intersection being distant 640 feet measured southerly along the said eastern limit of Church Street from the intersection thereof with the southern limit of Queen Street;

THENCE in a general northwesterly, westerly and southwesterly direction along the said high water mark to its intersection with the western boundary of said Broken Section 10, in the said Township, the said intersection being distant 480 feet measured southerly along the said boundary from the northwesterly angle of the said Section;

THENCE southerly along the production southerly of the said western boundary to the said International Boundary;

THENCE in a general easterly direction along the said International Boundary to the point of commencement.

SAVING AND EXCLUDING Dick Moores Island;

As shown outlined in green on Plan Number T1998 attached to this Schedule.

#### SOUTHAMPTON

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of Lake Huron and the Saugeen River, being a water lot lying adjacent to the Town of Southampton, in the County of Bruce, in the Province of Ontario and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the bearing of South 60 degrees 31 minutes East for the southwesterly limit of the Town of Southampton as shown on the plan of the Township of Saugeen;



COMMENCING at a point in the waters of Lake Huron, distant 2373.57 feet measured North 60 degrees 31 minutes West from the northwesterly angle of Lot 27 on the South side of Gosford Street, in the Town of Southampton;

THENCE South 29 degrees 29 minutes West, a distance of 2844.1 feet, more or less, to its intersection with the production westerly of the southern limit of High Street;

THENCE South 60 degrees 31 minutes East along the production westerly of the southern limit of High Street, a distance of 2350 feet, more or less, to its intersection with the high water mark of Lake Huron;

THENCE northerly along the high water mark of Lake Huron and easterly along the high water mark of the southerly bank of the Saugeen River to its intersection with the production northerly of the western limit of Victoria Street;

THENCE northerly along the production northerly of the said limit of Victoria Street to its intersection with the high water mark on the northerly bank of the Saugeen River;

THENCE westerly along the said high water mark of the northerly bank of the Saugeen River and northerly along the high water mark of Lake Huron to its intersection with a line drawn on a course of North 60 degrees 31 minutes West from the northwesterly angle of Lot 27 on the South side of Gosford Street;

THENCE North 60 degrees 31 minutes West, a distance of 2148.57 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1999 attached to this Schedule.

#### TORONTO

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Toronto Harbour of Lake Ontario, being a water lot lying between the group of islands known as the Toronto Islands and the high water mark on the northern shore of Toronto Harbour as shown on a plan of survey of the said harbour being the Toronto Harbour Commissioners Plan No. 11341, dated March 1st, 1940, a copy of which plan is of record in the Department of Lands and Forests, Ontario, the said water lot now being in the City of Toronto, in the County of York and Province of Ontario, and including the water lots lying under the waters of the Ship Channel, the Turning Basin and that part of Keating Channel lying south of the southern limit of Keating Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of Toronto East as Plan No. 159E, the Western Gap and the Eastern Gap, as the same are shown on the above mentioned Commissioners Plan, and including the water lots lying under the waters of the Western Entrance and the Eastern Entrance to Toronto Harbour, the outer limits of the said entrances being more particularly described as follows:

PREMISING that the co-ordinates hereinafter mentioned are referred to the Rectangular Co-ordinate System for Toronto Harbour as established by the Department of Mines and Technical Surveys, Hydrographic Surveys in 1938 and that all bearings herein are related to the meridian through the point of origin for the said co-ordinate system which point is 5002.1 feet South and 12654.8 feet West of Gibraltar Point Lighthouse.

FIRSTLY:—The Outer Limits of the Western Entrance.

COMMENCING at the southwest corner of the first section of the North concrete breakwater leading from the Western Entrance to the Western Gap (Co-ordinates N. 11522.52; E. 7591.53);

THENCE South 53 degrees 23 minutes 45 seconds West, a distance of 2000 feet (Co-ordinates N. 10329.95; E. 5985.98);

THENCE South 36 degrees 36 minutes 15 seconds East, a distance of 1650 feet (Co-ordinates N. 9005.38; E. 6969.85);

THENCE North 53 degrees 23 minutes 45 seconds East to the high water mark of the West shore of Centre Island;

THENCE northwesterly along the said high water mark to the south-eastern face of the southeasterly concrete breakwater leading to the said Western Gap.

SECONDLY:—The Outer Limits of the Eastern Entrance.

COMMENCING at the intersection of the natural high water mark on the southern shore of Wards Island with the southwestern face of the southwesterly concrete pier forming the Eastern Gap;

THENCE southwesterly along the said high water mark, a distance of 500 feet, more or less, to the intersection thereof with a line drawn North 39 degrees 54 minutes 45 seconds West from Co-ordinates N. 10043.12; E. 22555.22;

THENCE South 39 degrees 54 minutes 45 seconds East, a distance of 1800 feet, more or less, to Co-ordinates N. 10043.12; E. 22555.22;

THENCE North 50 degrees 5 minutes 15 seconds East, a distance of 1300 feet (Co-ordinates N. 10877.22; E. 23552.35);

THENCE North 39 degrees 54 minutes 45 seconds West to the natural high water mark of Lake Ontario;

THENCE southwesterly along the said natural high water mark to the northeastern face of the northeasterly concrete pier forming the Eastern Gap;

As shown outlined in green on Plan Number T1467 attached to this Schedule.

#### WHITBY

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Ontario, being a water lot lying in front of Lots 25, 26, 27 and 28, in the Broken Front Concession, in the Township of Whitby, in the County of Ontario, in the Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 25, in the Broken Front Concession, in the Township of Whitby, as having a bearing of North 16 degrees 58 minutes West;

COMMENCING at the intersection of the high water mark of Lake Ontario with the eastern boundary of said Lot 25, in the Broken Front Concession, the said intersection being distant 5791 feet measured South 16 degrees 58 minutes East along the said boundary from the northeasterly angle of said Lot 25;

THENCE South 16 degrees 58 minutes East, a distance of 4200 feet;

THENCE West a distance of 5609.65 feet, more or less, to the intersection thereof with the production southerly of the western boundary of Lot 28, in the Broken Front Concession;

THENCE North 16 degrees 55 minutes 50 seconds West along the said production southerly of the said boundary, a distance of 3960 feet, more or less, to the high water mark of Lake Ontario, the said high water mark being distant 4356 feet measured South 16 degrees 55 minutes 50 seconds West along the said western boundary of Lot 28 from the northwesterly angle of the said Lot;

THENCE easterly following in and along the high water mark of Lake Ontario to the point of commencement;

As shown outlined in green on Plan Number T1468 attached to this Schedule.

#### WINDSOR

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Detroit River, being a water lot lying in front of Lots 86 to 111 both inclusive, in Concession 1 (McNiff's Survey), in the Township of Sandwich East and in front of Lots 58 and 59 and Lots 63 to 85 both inclusive, in Concession 1 (McNiff's Survey), in the Township of Sandwich West, and in front of the Town of Sandwich, as shown on a plan of the said Town, and of record in the Department of Lands and Forests, Ontario, the said Lots and the Town of Sandwich now being in the City of Windsor, in the County of Essex and Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at a point in the waters of the Detroit River, being the intersection of the International Boundary with the production northerly of the eastern boundary of Lot 111, in Concession 1 (McNiff's Survey) in the Township of Sandwich East;

THENCE southerly along that production to the high water mark of the South bank of the Detroit River;

THENCE in a general westerly direction along the high water mark of the South bank of the Detroit River to the intersection thereof with the southern boundary of Lot 58, in Concession 1, in the Township of Sandwich West;

THENCE westerly along the production westerly of the southern boundary of said Lot 58 to the intersection thereof with the International Boundary;

THENCE easterly along the International Boundary to the point of commencement;

As shown outlined in green on Plan Number T1469 attached to this Schedule.



*Schedule B*

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF CANADA

Secretary of State Reference Number	Name of Grantee	Place	Date
Lib. 411, Fol. 116 31 January 1944	Marhill Mines Limited.....	Deseronto	25 Nov. 1943
Lib. 327, Fol. 163 28 May 1929	The Bole Grain Co. Ltd.....	Fort William	18 May 1929
Lib. 302, Fol. 365 27 May 1927	N. M. Patterson & Co. Ltd.....	Fort William	23 May 1927
Lib. 194, Fol. 591 9 Dec. 1912	James Purvis.....	Gore Bay	23 Nov. 1912
Lib. 158, Fol. 253 23 May 1900	Canada Iron Furnace Co.....	Midland	1 May 1900
Lib. 301, Fol. 276 24 Nov. 1926	The Great Lakes Transportation Co. Ltd.....	Midland	16 Nov. 1926
Lib. 158, Fol. 400 10 June 1902	Charles Edward Gudewill.....	Midland	26 May 1902
Lib. 157, Fol. 513 14 Dec. 1903	James Playfair.....	Midland	28 Nov. 1903
Lib. 158, Fol. 484 22 Dec. 1903	David S. Pratt.....	Midland	2 Dec. 1903
Lib. 243, Fol. 169 6 March 1917	Toronto, Hamilton & Buffalo Railway Co.....	Port Maitland	5 Mar. 1917
Lib. 243, Fol. 18 26 April 1915	Canadian Pacific Railway Co.....	Parry Sound	21 April 1915
Lib. 159, Fol. 534 14 May 1906	Conger Lumber Co.....	Parry Sound	28 April 1906
Lib. 192, Fol. 165 22 Jan. 1909	John Galna & Robert William Danter.....	Parry Sound	26 Jan. 1909
Lib. 159, Fol. 145 30 March 1900	John McClelland.....	Parry Sound	28 Mar. 1900
Lib. 216, Fol. 555 16 Feb. 1916	George Neibergall & William Neibergall.....	Parry Sound	10 Feb. 1916
Lib. 413, Fol. 460 28 Sept. 1944	Lorne S. Falls.....	Riverside	28 Sept. 1944
Lib. 213, Fol. 91 11 July 1911	Georgian Bay & Seaboard Railway.....	Victoria Harbour	11 July 1911
Lib. 159, Fol. 594 Jan. 1907	Georgian Bay & Seaboard Railway.....	Victoria Harbour	16 Jan. 1907
Lib. 192, Fol. 293 14 June 1910	Corporation of the Town of Wiarton.....	Warton	8 June 1910
Lib. 194, Fol. 79 5 Nov. 1908	Elijah M. Miers.....	Warton	2 Nov. 1908
Lib. 157, Fol. 333 Aug. 1900	Jacob Charles Siemon, John L. Siemon, Andrew Siemon & Daniel McIntyre.....	Warton	23 Aug. 1900
Lib. 214, Fol. 152 22 Oct. 1912	Elizabeth Tyson.....	Warton	24 June 1912
Lib. 157, Fol. 516 22 Dec. 1903	Warton Beet Sugar Co. Ltd. & The Grand Trunk Railway of Canada.....	Warton	16 Nov. 1903

The grants and quit claims in this Schedule are on record in the Department of the Secretary of State at Ottawa.

## Schedule C

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>AMHERSTBURG</b>			
50158 C.L.S.	John Sale.....	31 Oct. 1901	2.5 acres
51754 C.L.S.	John Parks.....	15 Feb. 1905	5.8 acres
58491 C.L.S.	Sarah Jane Emily Elliott.....	9 Sept. 1913	5.55 acres
47803 C.L.S.	Griffith J. Colborne.....	13 Dec. 1894	2.46 acres
51238 C.L.S.	John Anderson.....	25 Feb. 1904	0.19 acre
51243 C.L.S.	Nancy C. Levergood.....	25 Feb. 1904	0.25 acre
48756 C.L.S.	Perry Barclay Leighton.....	8 Dec. 1897	0.82 acre
51292 C.L.S.	Alexander Pirie.....	24 Mar. 1904	0.36 acre
48675 C.L.S.	Frank C. Robbins.....	13 Aug. 1897	0.34 acre
58410 C.L.S.	The Detroit and Windsor Ferry Co.....	8 Aug. 1913	76.5 acres
58409 C.L.S.	William Menzies.....	8 Aug. 1913	3.83 acres
90148 C.L.S.	Orval Leland Duncanson.....	8 Dec. 1937	13.60 acres
83488 C.L.S.	Charles Bissell Johnson.....	17 Mar. 1932	6,750 sq. ft.
49619 C.L.S.	O'Brien Atkinson.....	20 April 1900	3.59 acres
56745 C.L.S.	Marguerite C. Wilcox Price.....	18 Sept. 1911	1.00 acre
56746 C.L.S.	Harriet C. Oliver.....	18 Sept. 1911	0.85 acre
<b>BROCKVILLE</b>			
47133 C.L.S.	Anna Maria Cooke.....	21 Nov. 1892	18,650 sq. ft.
51217 C.L.S.	Henry Tolford Murray.....	20 Jan. 1904	24,500 sq. ft.
34324 C.L.S.	James Hall.....	3 July 1871	1 Rood 30 sq. rods
47425 C.L.S.	John L. Upham.....	30 Oct. 1893	0.14 acre
38219 C.L.S.	James William Brereton Rivers.....	12 May 1874	0.5 acre
46736 C.S.L.	Catherine Hayes.....	18 Mar. 1891	23,560 sq. ft.
49371 C.L.S.	Samuel Armour & Etta Armour.....	17 July 1899	11,200 sq. ft.
40865 C.L.S.	William McCullough.....	20 Feb. 1877	12,000 sq. ft.
40872 C.L.S.	Josephine Comstock & Sally Gates Booth.....	22 Feb. 1877	12,500 sq. ft.
88854 C.L.S.	The Laing Produce & Storage Co. Ltd.....	23 Nov. 1936	8,031 sq. ft.
47828 C.L.S.	George Edward Shields.....	4 Jan. 1895	9,600 sq. ft.
36601 C.L.S.	Alphonso Brooks.....	3 May 1873	10,162 sq. ft.
37291 C.L.S.	Richard Farmer Steele.....	20 Nov. 1873	12,000 sq. ft.
36603 C.L.S.	Ellen McSween.....	3 May 1873	17,835 sq. ft.
36602 C.L.S.	George Easton.....	3 May 1873	15,472 sq. ft.
58760 C.L.S.	Charles Wesley McLean.....	30 Jan. 1914	1.2 acres
63749 C.L.S.	Wilson Sheridan.....	22 July 1918	0.07 acre
55675 C.L.S.	George Beecher, Jr.....	21 July 1910	0.25 acre
45337 C.L.S.	George Augustus Dana.....	6 May 1886	25,800 sq. ft.
45338 C.L.S.	Albert John Dana.....	6 May 1886	37,900 sq. ft.
35690 C.L.S.	Robert Shepherd.....	31 Oct. 1872	3.25 acres
44667 C.L.S.	Alexander G. McCrady & Charles H. McCrady.....	19 June 1884	21,000 sq. ft.
49869 C.L.S.	The Corporation of the Town of Brockville.....	21 Jan. 1901	35,209 sq. ft.
44278 C.L.S.	Aurinda Beecher.....	3 July 1883	25,280 sq. ft.
44277 C.L.S.	William Gilmour.....	3 July 1883	23,850 sq. ft.
40791 C.L.S.	Elswood Smart, Albert Smart & Benjamin C. Sheppard.....	1 Feb. 1877	2 Roods } 180 sq. ft. 19 Perches }
35716 C.L.S.	James Smart.....	26 Nov. 1872	3 Roods 27 Perches
58818 C.L.S.	The Central Canada Coal Co.....	21 Mar. 1914	15,444 sq. ft.
56682 C.L.S.	The James Smart Manufacturing Co. Ltd.....	4 Aug. 1911	24,622 sq. ft.
46540 C.L.S.	William Reid Gardner.....	18 Sept. 1890	15,110 sq. ft.
46528 C.L.S.	The James Smart Manufacturing Co. Ltd.....	19 Sept. 1890	14,250 sq. ft.
45043 C.L.S.	The James Smart Manufacturing Co. Ltd.....	29 June 1885	54,570 sq. ft.
10647 C.L.S.	Margaret Buell & Martha Ann Buell or Findlay.....	17 Mar. 1885	56,245 sq. ft.
47816 C.L.S.	Mary Connolly.....	27 Dec. 1894	24,500 sq. ft.
46441 C.L.S.	Edwin Perkins Comstock Et al.....	17 Feb. 1890	67,000 sq. ft.
<b>BELLEVILLE</b>			
44430 C.L.S.	The Corporation of the Town of Belleville, their successors assigns forever.....	24 Dec. 1883	38-60/100 acres
82694 C.L.S.	Canadian Northern Ontario Railway Co.....	15 May 1931	0.403 acre
82695	Campbellford, Lake Ontario and Western Railway Company.....	15 May 1931	1,380.5 sq. ft.
82716 C.L.S.	Canadian Northern Ontario Railway Co.....	15 May 1931	1,863.25 sq. ft.
41526 C.L.S.	Mary Jane Van Dusen, wife of Joseph G. Van Dusen.....	23 Jan. 1878	2-20/100 acres
<b>COLLINGWOOD</b>			
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	4/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	1-3/5 acres
38351 C.L.S.	George Buck, Andrew Neville, Thomas W. Fair.....	25 June 1874	3 acres
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	2/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	9/20 acre
44893 C.L.S.	Jessie Hamilton.....	29 Jan. 1885	1,050 sq. ft.
38974 C.L.S.	George Moberly & Charles Gamon.....	18 Dec. 1874	1/10 acre
45632 C.L.S.	Peter Paterson, Henry Colwell - William W. Colwell.....	5 April 1887	61/100 acre



## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>COLLINGWOOD</b>			
—Continued			
38973 C.L.S.	John Nettleton.....	18 Dec. 1874	19/100 acre
38953 C.L.S.	John Rowland.....	18 Dec. 1874	82/100 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1-1/2 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1/3 acre
47095 C.L.S.	The Grand Trunk Railway Company of Canada.....	24 Oct. 1892	44 acres
41955 C.L.S.	The Corporation of the Town of Collingwood	11 Oct. 1878	12-58/100 acres
42053 C.L.S.	Georgian Bay Lumber Co.....	24 Dec. 1878	8-92/100 acres
	Their Successors & Assigns		
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
51048 C.L.S.	Hiram Norman Truesdell.....	9 Oct. 1903	1-37/100 acres
45306 C.L.S.	David Fleming.....	22 April 1886	3-63/100 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1/2 acre
49926 C.L.S.	John Wilson & James Brydon.....	25 Mar. 1901	3 acres
49927 C.L.S.	Corporation of the Town of Collingwood...	23 Mar. 1901	3 acres
49928 C.L.S.	The Collingwood Meat Company Ltd.....	22 Mar. 1901	14-1/2 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
35265 C.L.S.	Lewis Moffat.....	18 July 1872	34-8/10 acres
<b>FORT WILLIAM</b>			
51140 C.L.S.	Alexander J. McComber.....	12 Nov. 1903	47.00 acres
55474 C.L.S.	Canadian Pacific Railway Co.....	28 April 1910	39.90 acres
56366 C.L.S.	Canadian Pacific Railway Co.....	27 Mar. 1911	1.60 acres
63702 P.L.S.	Canadian Pacific Railway Co.....	16 July 1918	21.50 acres
65976 C.L.S.	The Empire Elevator Co. Ltd.....	1 Mar. 1920	0.02 acre
58180 C.L.S.	The Fort William Terminal Railway and Bridge Company.....	24 April 1913	149.60 acres
55159 C.L.S.	Henry Thorpe Canniff.....	6 Dec. 1909	61.50 acres
52923 C.L.S.	John Thomas Horne.....	14 Dec. 1906	101.25 acres
55158 C.L.S.	Henry Thorpe Canniff.....	6 Dec. 1909	51.00 acres
53445 C.L.S.	Charles R. Dunsford.....	26 Sept. 1907	95.00 acres
58619 C.L.S.	Charles Henry Ritchie.....	19 Nov. 1913	106.00 acres
57519 C.L.S.	Minnie MacEdward.....	11 July 1912	46.00 acres
54241 C.L.S.	Samuel Wellington Ray.....	18 Dec. 1908	19.50 acres
54284 C.L.S.	Joseph Kilgour.....	12 Jan. 1909	19.50 acres
49847 C.L.S.	The Canadian Pacific Railway.....	21 Jan. 1901	1.21 acres
<b>GANANOQUE</b>			
51011 C.L.S.	The Corporation Town of Gananoque.....	5 Sept. 1903	3.00 acres
<b>KINGSTON</b>			
64399 C.L.S.	Alice F. Richardson, Robert G. Richardson & James A. Richardson.....	18 Feb. 1919	2.96 acres
79060 C.L.S.	Thomas Alexander McGinnis.....	29 Oct. 1928	17,500 sq. ft.
49852 C.L.S.	Jessie Primrose Dawson.....	3 Jan. 1901	2 acres
44790 C.L.S.	Isaac Simpson.....	2 Oct. 1884	1/2 acre
35759 C.L.S.	Mary Maloney, Wife of John Maloney, General Dealer.....	12 Dec. 1872	13.500 acres
<b>KINGSVILLE</b>			
47100 C.L.S.	Mettawas Summer Resort Co. Ltd.....	3 Nov. 1892	48.75 acres
58972 C.L.S.	Hugh Wilfred Leitch.....	28 May 1914	1.60 acres
<b>OWEN SOUND</b>			
46419 C.L.S.	James Edward Murphy.....	20 Jan. 1890	1-92/100 acres
46372 C.L.S.	James Edward Murphy.....	4 Nov. 1889	6-1/2 acres
50223 C.L.S.	Toronto Grey and Bruce Railway Company.	27 Dec. 1901	6-13/100 acres
35764 C.L.S.	Toronto Grey and Bruce Railway Company.	30 Nov. 1872	17 acres
47912 C.L.S.	Toronto Grey and Bruce Railway Company.	10 April 1895	21-42/100 acres
44860 C.L.S.	Toronto Grey and Bruce Railway Company.	2 Jan. 1885	8-30/100 acres
35765 C.L.S.	Toronto Grey and Bruce Railway Company.	30 Nov. 1872	18 acres
<b>PENETANGUISHENE</b>			
44141 C.L.S.	L. J. Breithaupt, John C. Breithaupt.....	11 May 1883	2.3 acres
42950 C.L.S.	Walter J. Keating.....	22 Jan. 1881	5.10 acres
42796 C.L.S.	Charles Beck.....	18 Sept. 1880	3.92 acres
42344 C.L.S.	Charles Beck.....	12 June 1879	2 acres
37400 C.L.S.	James S. McMurray.....	19 Dec. 1873	3-1/5 acres
38884 C.L.S.	J. S. McMurray, Charles Beck, Thomas R. Fuller.....	23 Nov. 1874	1.21 acres
36415 C.L.S.	J. S. McMurray.....	27 Mar. 1873	4.64 acres
38923 C.L.S.	Charles W. Robinson.....	14 Jan. 1875	1.5 acres
37715 C.L.S.	Louisa Anne Darling.....	16 Mar. 1874	63,200 sq. lk.
41685 C.L.S.	North Simcoe Railway Company.....	1 April 1878	52 acres
55505 C.L.S.	Charles Jules Picotte.....	5 May 1910	38 acres
59463 C.L.S.	Hermengilde Picotte.....	22 Feb. 1915	4.7 acres

## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>PORT ARTHUR</b>			
52988 C.L.S.	Corporation of the Town of Port Arthur...	15 Jan. 1907	273 acres
44213 C.L.S.	Andrew Allen, Jackson Rae, Thomas D. Millburne, Alfred H. White, Donald A. Smith, George Stephen, George Alexander Drummond, Francis Stephen, Thomas Reynolds & Edmund Reynolds.....	30 May 1883	77 acres
93012 C.L.S.	Port Arthur Ship Building Co. Ltd.....	3 Mar. 1943	0.44 acre
65490 C.L.S.	United Grain Growers Ltd.....	12 Nov. 1919	12.16 acres
64397 C.L.S.	Saskatchewan Co-operative Elevator Company Ltd.....	17 Feb. 1919	10.26 acres
84753 C.L.S.	James Richardson & Sons Ltd.....	31 Mar. 1933	8.41 acres
48242 C.L.S.	The Canadian Pacific Railway Co.....	15 April 1896	1.32 acres
73180 C.L.S.	The Canadian Pacific Railway Co.....	28 Nov. 1924	0.56 acre
43138 C.L.S.	Christina McVicar.....	16 June 1881	73 acres
44685 C.L.S.	The Canadian Pacific Railway.....	24 July 1884	2.38 acres
44684 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	0.82 acre
44183 C.L.S.	Frank Stayner Nugent.....	2 May 1883	3,652 acres
44318 C.L.S.	Alexander Lord Russell.....	6 Aug. 1883	1.8 acres
44683 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	1.85 acres
44682 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	0.94 acre
43770 C.L.S.	William Henry Laird.....	12 Oct. 1882	3.88 acres
43797 C.L.S.	John Catto.....	5 Oct. 1882	3.92 acres
44681 C.L.S.	The Canadian Pacific Railway.....	23 July 1884	1.95 acres
43846 C.L.S.	The Hon. James Cox Aikens.....	13 Nov. 1882	3.89 acres
44253 C.L.S.	The Hon. Croydon Partlow Brown.....	11 June 1883	3.86 acres
44680 C.L.S.	The Canadian Pacific Railway.....	22 July 1884	0.95 acre
43726 C.L.S.	William Henry Laird.....	14 Sept. 1882	3.85 acres
44194 C.L.S.	George I. Marks.....	4 June 1883	3.80 acres
44679 C.L.S.	The Canadian Pacific Railway.....	22 July 1884	1.84 acres
44678 C.L.S.	The Canadian Pacific Railway.....	21 July 1884	2.60 acres
43835 C.L.S.	Daniel F. Burk.....	31 Oct. 1882	6.94 acres
44677 C.L.S.	The Canadian Pacific Railway.....	19 July 1884	9.23 acres
44676 C.L.S.	The Canadian Pacific Railway.....	18 July 1884	1.60 acres
49821 C.L.S.	William Mackenzie, Donald D. Mann, & Roderick J. Mackenzie.....	3 Dec. 1900	1.25 acres
38819 C.L.S.	Noah Barnhart.....	13 Nov. 1874	1.50 acres
43790 C.L.S.	The Elevator "A" Shuniah Dock and Forwarding Co. Ltd.....	17 Oct. 1882	4.18 acres
43822 C.L.S.	Sirnon James Dawson.....	18 Oct. 1882	2.36 acres
44198 C.L.S.	Samuel Wellington Ray.....	1 June 1883	2.00 acres
43801 C.L.S.	George Allan Brown.....	24 Oct. 1882	1.16 acres
44200 C.L.S.	John Cann Hasking.....	29 May 1883	1.39 acres
44317 C.L.S.	Louis Ulrich Bonin.....	7 Aug. 1883	2.13 acres
43727 C.L.S.	George Clavet.....	26 Aug. 1882	1.55 acres
44196 C.L.S.	Margaret Ross.....	15 May 1883	1.55 acres
44405 C.L.S.	Donald Campbell.....	7 Dec. 1883	0.78 acre
44201 C.L.S.	Wilmot Horton Davis.....	4 June 1883	0.78 acre
43768 C.L.S.	The Lake Superior Dock Forwarding and Elevator Co.....	7 Sept. 1882	16.50 acres
44094 C.L.S.	The Thunder Bay Forwarding and Elevator Co.....	19 Mar. 1883	42.50 acres
44976 C.L.S.	James Conmee.....	2 April 1885	37 acres
40351 C.L.S.	Henry O'Brien.....	7 July 1876	95.20 acres
43645 C.L.S.	George Mountain Evans & John Gunn Robinson.....	3 July 1882	192.80 acres
43918 C.L.S.	James Watson.....	27 Dec. 1882	81.00 acres
46622 C.L.S.	Henry Lloyd Lyon and James Stuart Lyon.....	13 Nov. 1890	120.00 acres
44437 C.L.S.	Henry Lloyd Lyon.....	5 Jan. 1884	45.00 acres
<b>PRESCOTT</b>			
48180 C.L.S.	John Philip Wiser.....	17 Jan. 1896	2.02 acres
48179 C.L.S.	John Philip Wiser.....	16 Jan. 1896	1.08 acres
39350 C.L.S.	John Buckley.....	10 April 1875	29,930 sq. ft.
39358 C.L.S.	John Buckley and James Buckley.....	10 April 1875	15,425 sq. ft.
44702 C.L.S.	James Buckley.....	16 July 1884	26,990 sq. ft.
48365 C.L.S.	The Prescott Elevator Co. Ltd.....	3 Sept. 1896	20,460 sq. ft.
32764 C.L.S.	Lewis Walsh.....	13 Sept. 1869	13,200 sq. ft.
56801 C.L.S.	Canadian Pacific Railway Company.....	7 Oct. 1911	9 acres
56189 C.L.S.	Canadian Pacific Railway Company.....	20 Jan. 1911	17.5 acres
41075 C.L.S.	Samuel Miles Coons.....	22 May 1877	86,700 sq. ft.
48308 C.L.S.	Harry Horwood.....	20 May 1896	108,000 sq. ft.
58671 C.L.S.	Edward Donald.....	12 Jan. 1914	25.6 acres
<b>SARNIA</b>			
49599 C.L.S.	The Corporation of the Town of Sarnia.....	16 May 1900	0.63 acre
44406 C.L.S.	James S. Loughead.....	7 Dec. 1883	13,440 sq. ft.
44211 C.L.S.	Raymond A. Baby.....	17 May 1883	4,000 sq. ft.
69805 C.L.S.	Port Huron and Sarnia Ferry Company.....	13 Oct. 1925	1/8 acre
76917 C.L.S.	Port Huron and Sarnia Ferry Company.....	25 June 1927	6,030 sq. ft.



## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>SARNIA</b>			
<i>—Continued</i>			
32088 C.L.S.	John R. Gimmell.....	8 Mar. 1869	11,900 sq. lks.
32089 C.L.S.	William B. Clark.....	8 Mar. 1869	11,900 sq. lks.
37054 C.L.S.	Charles James Morris.....	9 Sept. 1873	7,260 sq. ft.
37543 C.L.S.	Colonial Trusts Corp.....	23 Jan. 1874	1.6 acres
50156 C.L.S.	Liberty Dean Holden.....	19 Oct. 1901	3 acres
36808 C.L.S.	John Dandy.....	25 June 1873	4 acres
40435 C.L.S.	Henry James Slocum.....	18 Aug. 1876	4.5 acres
31958 C.L.S.	Lovina Slocum.....	30 Jan. 1869	4 acres
41188 C.L.S.	John Humphrey Jones.....	19 July 1877	101 acres
<b>SAULT STE. MARIE</b>			
58679 C.L.S.	The Algoma Steel Corp. Ltd.....	3 Dec. 1913	230.0 acres
53311 C.L.S.	The Lake Superior Power Co.....	8 June 1907	H = 76.39 acres M = 16.46 acres N = 35.49 acres
53309 C.L.S.	The Algoma Commercial Co. Ltd.....	8 June 1907	I = 41.50 acres J = 21.06 acres
53310 C.L.S.	The Algoma Steel Co. Ltd.....	8 June 1907	K = 47.40 acres L = 10.13 acres
48273 C.L.S.	The Lake Superior Power Co.....	8 April 1896	28.09 acres
	The Dominion Government.....	12 Dec. 1906	50 acres
	The Dominion Government.....	20 Dec. 1901	57 acres
45897 C.L.S.	The Sault Ste. Marie Bridge Company.....	18 Feb. 1888	2.02 acres
47811 C.L.S.	The Corporation of the Town of Sault Ste. Marie.....	13 Dec. 1894	38 acres
41128 C.L.S.	John Laird and Jonathan Henderson.....	7 June 1877	12 acres
85325 C.L.S.	Great Lakes Power Co. Ltd.....	15 Nov. 1933	32/100 acre
47809 C.L.S.	The Ontario, Sault Ste. Marie Water, Light and Power Company.....	14 Dec. 1894	27 acres
	The Dominion Government.....	27 Dec. 1901	28.22 acres
	The Dominion Government.....	12 Dec. 1906	5 acres
56688 C.L.S.	The Algoma Central and Hudson Bay Railway Co.....	17 Aug. 1911	2.55 acres
45790 C.L.S.	John Richards.....	1 Oct. 1887	1.3 acres
49770 C.L.S.	Joseph Cozens.....	17 Sept. 1900	1 acre
46004 1/2 C.L.S.	Joseph Cozens.....	14 June 1883	1 acre
46004 C.L.S.	Joseph Cozens.....	14 June 1888	1.6 acres
45959 C.L.S.	Charles Ripley.....	27 April 1888	1 3/4 acres
46003 C.L.S.	William Henry Plummer.....	14 June 1888	3-5/10 acres
46019 C.L.S.	Thomas A. Reynolds.....	12 July 1888	3 acres
45874 C.L.S.	Lucy Richards.....	31 Jan. 1888	1 1/2 acres
45726 C.L.S.	John Macpherson Hamilton.....	13 June 1887	1.5 acres
46005 C.L.S.	William Henry Plummer.....	14 June 1888	1-6/10 acres
46343 C.L.S.	David J. Millar.....	9 Oct. 1889	1-6/10 acres
45964 C.L.S.	Willet Francis Ferris.....	7 May 1888	3 acres
51014 C.L.S.	The Algoma Commercial Co. Ltd.....	5 Oct. 1903	4/10 acre
45705 C.L.S.	Joseph Wilson.....	9 June 1887	3 1/2 acres
58334 C.L.S.	The Algoma Central Terminals Ltd.....	7 Aug. 1913	16.86 acres
45487 C.L.S.	James Manning.....	28 Sept. 1886	3 1/2 acres
40595 C.L.S.	The Hon. Walter McCrea.....	13 Nov. 1876	4-1/3 acres
57351 C.L.S.	The Algoma Central and Hudson Bay Railway Co.....	3 May 1912	1-1/3 acres
45931 C.L.S.	Charles Ripley.....	22 Mar. 1888	2 acres
45963 C.L.S.	William Henry Plummer.....	2 May 1888	2 acres
51002 C.L.S.	Adam Brown MacKay.....	18 Sept. 1903	1 acre
48620 C.L.S.	Florence Henrietta Farwell.....	6 July 1897	10 acres
57004 C.L.S.	Corporation of the Town of Sault Ste. Marie	27 Dec. 1911	2.51 acres
58715 C.L.S.	Soo Falls Brewing Co. Ltd.....	29 Dec. 1913	0.65 acre
57756 C.L.S.	The Sims Lumber Co. of Sault Ste. Marie Ltd.....	14 Oct. 1912	1.62 acres
48895 C.L.S.	Robert D. Perry.....	9 May 1898	1 acre
45996 C.L.S.	Henry Wood.....	4 June 1888	3 acres
46002 C.L.S.	Raymond Miron.....	15 June 1888	3.38 acres
58742 C.L.S.	The Corporation of the City of Sault Ste. Marie.....	15 Jan. 1914	5.5 acres
45997 C.L.S.	John James Kehoe.....	4 June 1888	2 acres
49905 C.L.S.	John M. Stephens.....	1 Mar. 1901	2 acres
44741 C.L.S.	Edward Sayer.....	13 Aug. 1884	5 acres
59685 C.L.S.	Joseph Ganley.....	2 June 1915	0.36 acre
50895 C.L.S.	The International Transit Company.....	12 June 1903	1.27 acres
59500 C.L.S.	The McPhail & Wright Construction Co. Ltd.....	23 Mar. 1915	1/8 acre
59249 C.L.S.	Isaac James Downey.....	19 Oct. 1914	0.24 acre
59141 C.L.S.	Sarah Ann Toombs.....	12 Aug. 1914	0.1 acre
59873 C.L.S.	John A. Shannon.....	10 Nov. 1915	.07 acre
55963 C.L.S.	The Sault Ste. Marie Coal and Wood Co. Ltd.....	21 Oct. 1910	1.53 acres
45894 C.L.S.	William Henry Plummer.....	18 Feb. 1888	1/6 acre
50557 C.L.S.	George Gilmore Farwell.....	14 Oct. 1902	0.14 acre

## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>SAULT STE. MARIE</b> —Continued			
38845 C.L.S.	Joachim Biron .....	16 Nov. 1874	5 acres
38752 C.L.S.	James A. Gouin .....	7 Oct. 1874	3¼ acres
45741 C.L.S.	Etienne Jollineau .....	4 July 1887	4 acres
44362 C.L.S.	Victory Atkins .....	19 Sept. 1883	1.1 acres
21744 R.J.	Roman Catholic Church c/o Rev. John Francis Jamot .....	3 April 1880	1 acre
42112 C.L.S.	Richard Carney .....	25 Jan. 1879	2¼ acres
44357 C.L.S.	William Orlando Luscombe .....	14 Sept. 1883	1.73 acres
43250 C.L.S.	James Gardner .....	15 Oct. 1881	2-4/5 acres
58837 C.L.S.	The Corporation of the City of Sault Ste. Marie .....	31 Mar. 1914	4.36 acres
44631 C.L.S.	Jane McRae, Isabella Cameron, Margaret Cameron and Clementina Cameron .....	11 June 1884	1.70 acres
39733 C.L.S.	James Phipps and Edward Herrick .....	9 Oct. 1875	.77 acre
45986 C.L.S.	Henry Penno .....	29 May 1888	1.5 acres
47867 C.L.S.	Sault Ste. Marie Bridge Co. ....	2 Mar. 1895	¾ acre
<b>TORONTO</b>			
47586 C.L.S.	The Corp. of the City of Toronto .....	19 April 1894	6.47 acres
48762 C.L.S.	The Corp. of the City of Toronto .....	15 Dec. 1897	345.0 acres
21747 R.J.	The Corp. of the City of Toronto .....	18 May 1880	1,385.0 acres
<b>WHITBY</b>			
52191 C.L.S.	The Port Whitby Harbour Company .....	4 Dec. 1905	1.91 acres
52192 C.L.S.	The Corporation of the Town of Whitby .....	4 Dec. 1905	6.15 acres
52150 C.L.S.	Lawrence Heyden .....	4 Nov. 1905	1.8 acres
49653 C.L.S.	Lawrence Heyden .....	17 May 1900	13.58 acres
<b>WINDSOR</b>			
102098 C.L.S.	H.E.P.C. of Ontario .....	8 Mar. 1950	2.213 acres
40102 C.L.S.	James C. Patterson .....	14 Mar. 1876	1 acre 3 roods 18 perches
45309 C.L.S.	George Buchanan The Younger .....	27 April 1886	11 acres 3 roods 36 perches
57309 C.L.S.	The Bank of Toronto .....	11 April 1912	2.10 acres
58339 C.L.S.	The Pittsburgh Coal Co. ....	17 July 1913	2.20 acres
50867 C.L.S.	Reinhardt Gluns .....	21 May 1903	1.00 acre
44529 C.L.S.	Arthur Keith Stewart & MacAlpine Robertson .....	12 Mar. 1884	4 acres 4¾ perches
44528 C.L.S.	Arthur Keith Stewart & MacAlpine Robertson .....	13 Mar. 1884	7 acres 9¾ perches
50667 C.L.S.	William C. Weber .....	8 Dec. 1902	6.84 acres
105940 C.L.S.	The Corp. of the City of Windsor .....	18 Mar. 1952	1.388 acres
88397 C.L.S.	Confed. Coal and Coke Ltd. ....	6 July 1936	3.84 acres
91427 C.L.S.	Empire Coal Co. Ltd. ....	2 Feb. 1940	2.47 acres
57726 C.L.S.	William Phillips .....	3 Oct. 1912	2.30 acres
77489 C.L.S.	Cadwells Ltd. ....	1 Nov. 1927	0.129 acre
47468 C.L.S.	Mary J. Lambert .....	3 Jan. 1894	2.14 acres
91823 C.L.S.	Concoal Sales Co. of Canada Ltd. ....	7 Nov. 1940	0.02 acre
84977 C.L.S.	John Henry Rodd .....	20 July 1933	3.62 acres
51391 C.L.S.	John G. Watson .....	27 June 1904	2.77 acres
52205 C.L.S.	George W. Mason .....	6 Dec. 1905	0.21 acre
76988 C.L.S.	Toronto General Trusts Corp. ....	11 July 1927	0.92 acre
114997 C.L.S.	Ryan Builders Supplies Ltd. ....	29 Jan. 1957	0.126 acre
102601 C.L.S.	Ryan Contracting Co. Ltd. ....	18 July 1950	1.687 acres
104009 C.L.S.	Ryan Contracting Co. Ltd. ....	16 Mar. 1951	3.097 acres
82692 C.L.S.	Samuel P. West & Ada C. West .....	26 May 1931	8,868 sq. ft.
76066 C.L.S.	Samuel P. West .....	12 Nov. 1926	3,882 sq. ft.
37634	John B. Gauthier .....	5 Feb. 1874	2.75 acres
49737 C.L.S.	The R.C. Episcopal Corp. Diocese of London .....	1 Aug. 1900	3.70 acres
35017 C.L.S.	Mary McKinstry .....	6 April 1872	1 acre 65,984 sq. lks.
34738 C.L.S.	George Parent .....	26 Jan. 1872	1.285 acres
44275 C.L.S.	Incorporated Synod Dioc. of Huron .....	5 July 1883	21,948 sq. links
46269 C.L.S.	Arthur Rankin .....	31 May 1889	0.436 acre
38267 C.L.S.	R. L. MacGregor .....	16 May 1874	0.46 acre
95122 C.L.S.	The Canada Southern Rlwy. Co. ....	14 April 1945	3.61 acres
30699½ C.L.S.	Luc Ouillette .....	29 Jan. 1868	0.50 acre
43813 C.L.S.	Alex Cameron, Francis Cleary and John Curry .....	3 Oct. 1882	0.73 acre
53010 C.L.S.	Detroit River Tunnel Co. ....	18 Jan. 1907	2.10 acres
42533 C.L.S.	Charles L. Potter .....	4 Feb. 1880	0.22 acre
46280 C.L.S.	Robert Meighen .....	12 June 1889	0.98 acre
76456 C.L.S.	Ontario and Quebec Rlwy. Co. ....	5 Mar. 1927	0.15 acre
45427 C.L.S.	John F. Bell Et Al. ....	21 July 1886	1 Rood 22 Perches
71279 C.L.S.	Ontario and Quebec Rlwy. Co. ....	23 Aug. 1923	0.21 acre
39087 C.L.S.	Robert Rae .....	14 Jan. 1875	1 Rood 35 Perches



## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>WINDSOR—Cont.</b>			
50929 C.L.S.	The Canadian Pacific Rlwy. Co.	13 July 1903	0.44 acre
46777 C.L.S.	John McGregor Sr., Donald McGregor, John McGregor Jr.	29 April 1891	0.52 acre
47488 C.L.S.	The Grand Trunk Rly. Co. of Canada	20 Jan. 1894	0.545 acre
47739 C.L.S.	John Piggott	19 Sept. 1894	5,984 sq. ft.
75156 C.L.S.	Cross Builders Supply Co. Ltd.	30 April 1926	0.10 acre
39030 C.L.S.	William Rolf and T. Schmidt	4 Jan. 1875	36,330 sq. ft.
47487 C.L.S.	The Grand Trunk Rlwy. Co. of Canada	22 Jan. 1894	1.11 acres
49106 C.L.S.	Chas. Bell Alex Crawford Estate	18 Oct. 1898	2,352 sq. ft.
43526 C.L.S.	Vital Ouilette	18 April 1882	14,880 sq. ft.
62101 C.L.S.	Detroit and Windsor Ferry Co.	9 May 1917	1.07 acres
38323 C.L.S.	Anne E. Russell	13 June 1874	9,032 sq. ft.
38324 C.L.S.	Louis Davenport	13 June 1874	9,032 sq. ft.
2609	Detroit and Windsor Subway Co.	31 Dec. 1957	3.92 acres
78066 C.L.S.	Canadian National Rlwy. Co.	9 Mar. 1928	0.58 acre
94904 C.L.S.	Canadian National Rlwy. Co.	31 Jan. 1945	2.29 acres
93652 C.L.S.	Hiram Walker and Sons Ltd.	14 Oct. 1943	0.017 acre
74991 C.L.S.	Walkerville Land & Building Co. Ltd.	9 Mar. 1926	0.07 acre
74990 C.L.S.	Hiram Walker and Sons Ltd.	8 Mar. 1926	0.617 acre
37297 C.L.S.	Hiram Walker and Sons Ltd.	22 Nov. 1873	5.25 acres
38714 C.L.S.	Luc Montreuil	7 Oct. 1874	2 ac. 1 Rood
73367 C.L.S.	Hiram Walker and Sons Ltd.	7 Jan. 1925	37 Perches
72260 C.L.S.	Merlo, Merlo & Ray Ltd.	3 April 1924	0.097 acre
54820 C.L.S.	Albert T. Montreuil	2 Aug. 1909	0.38 acre
93570 C.L.S.	Ford Motor Co. of Canada Ltd.	8 Sept. 1943	0.003 acre
75146 C.L.S.	Ford Motor Co. of Canada Ltd.	23 April 1926	0.075 acre
60751 C.L.S.	Ford Motor Co. of Canada Ltd.	21 July 1916	0.68 acre
56896 C.L.S.	Sarah H. L. Johnson	6 Dec. 1911	1.89 acres
56691 C.L.S.	Barney Maisonneville	24 Aug. 1911	1.36 acres
40990 C.L.S.	Robert J. Orris and George W. Girdlestone	20 April 1877	1 acre 2 Roods
72038 C.L.S.	Ford Motor Co. of Canada Ltd.	13 Feb. 1924	27 Perches
51201 C.L.S.	Luce Drouillard	6 Jan. 1904	1.77 acres
45035 C.L.S.	F. X. Drouillard	22 June 1885	0.66 acre
39328 C.L.S.	George Bell	12 Mar. 1875	2.186 acres
37646 C.L.S.	Hiram Walker	14 Feb. 1874	1-1/3 acres
35120 C.L.S.	William F. Reily	7 Mar. 1872	1.50 acres
35119 C.L.S.	Pierre Langlois	7 May 1872	2 Roods 25 Perches
46356 C.L.S.	W. J. Partridge	14 Oct. 1889	2 Roods 25 Perches
90957 C.L.S.	Ford Motor Co. of Canada Ltd.	17 April 1939	1.46 acres
62044 C.L.S.	Albert T. Montreuil	17 April 1939	1.00 acre
41806 C.L.S.	Archange M. Askin	5 May 1917	0.27 acre
108735 C.L.S.	The Corp. of the City of Windsor	6 June 1878	3.00 acres
56464 C.L.S.	Frank J. Webber	28 Aug. 1953	2.35 acres
57081 C.L.S.	Robert Henkel	5 May 1911	0.53 acre
54174 C.L.S.	Henrietta E. Westcott	27 Jan. 1912	0.55 acre
56862 C.L.S.	Helen N. Hoyt	23 Nov. 1908	0.56 acre
44298 C.L.S.	Archange Parent	10 Nov. 1911	0.58 acre
44279 C.L.S.	Robert Barr	27 July 1883	2.434 acres
44960 C.L.S.	Noah Parent	10 July 1883	0.83 acre
44916 C.L.S.	Benjamin Meloche	20 Mar. 1885	4.00 acres
41887 C.L.S.	Charles Janisse	4 Mar. 1885	3.36 acres
48177 C.L.S.	William G. Latimer	13 Aug. 1878	2.39 acres
56741 C.L.S.	Rosa Merbach	21 Jan. 1896	0.82 acre
58239 C.L.S.	M. L. Janisse	6 Sept. 1911	0.83 acre
51570 C.L.S.	G. H. Bennett	19 May 1913	1.97 acres
51878 C.L.S.	F. H. MacPherson	11 Oct. 1904	0.91 acre
45851 C.L.S.	Adolphe Parent	10 May 1905	0.90 acre
49452 C.L.S.	Charles Janisse	7 Dec. 1887	2 acres 1 Rood
42659 C.L.S.	William Armstrong	23 April 1880	25 Perches
55688 C.L.S.	T. W. McGregor	13 July 1910	1.54 acres
			2 Roods
			17 1/2 Perches
			2.71 acres

The grants and quit claims in this Schedule are on record in the Department of Lands and Forests at Toronto.







An Act to approve an Agreement between  
the Government of Canada and the Govern-  
ment of the Province of Ontario respecting  
Public Harbours

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*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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## BILL 17

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to approve an Agreement between the Government of Canada and the Government of the Province of Ontario respecting Public Harbours

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MR. ROBERTS

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**An Act to approve an Agreement between the  
Government of Canada and the Government  
of the Province of Ontario  
respecting Public Harbours**

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The Agreement between the Government of Canada <sup>Agreement</sup> and the Government of the Province of Ontario, set out as <sup>ratified and</sup> approved the Schedule hereto, is hereby ratified and approved and shall take effect according to its terms.

2. A reference by number in Schedule A to the Agreement <sup>Reference</sup> to a plan attached to that Schedule shall be construed as a <sup>to plans</sup> reference to the plan of the same number on record in the Department of Transport, Ottawa, and in the Ontario Department of Lands and Forests, Toronto.

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

4. This Act may be cited as *The Ontario Harbours Agree-* <sup>Short title</sup> *ment Act, 1962-63.*

## SCHEDULE

## AGREEMENT

between

THE GOVERNMENT OF CANADA

and

THE GOVERNMENT OF THE PROVINCE OF ONTARIO

THIS AGREEMENT made this 26th day of September, One thousand nine hundred and sixty-one;

BETWEEN:

THE GOVERNMENT OF CANADA,  
hereinafter referred to as "Canada"

OF THE FIRST PART;

— and —

THE GOVERNMENT OF THE PROVINCE OF ONTARIO  
hereinafter referred to as "Ontario"

OF THE SECOND PART.

WHEREAS by virtue of section 108 and the Third Schedule of the British North America Act, 1867, public harbours in the Province of Ontario became the property of Canada;

AND WHEREAS it is desirable in the public interest that the property belonging to Canada under the designation "public harbours" should be finally ascertained and fixed, and, as a result of negotiations between representatives of Canada and Ontario, it has been mutually agreed upon that certain defined areas in the Province of Ontario are the property of Canada under the said designation;

NOW THIS AGREEMENT WITNESSETH that the parties hereto have mutually agreed, subject to the approval and ratification of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:

1. In this Agreement, the expression "lands" includes all interests in lands, lands covered by water and foreshore lands.

2. It is hereby declared that the harbours as described in Schedule "A" to this Agreement are the Public Harbours in Ontario that are included in the Third Schedule to the British North America Act, 1867, and accordingly it is hereby recognized and further-declared that:

(a) subject to clause 3 of this Agreement, all ungranted lands within the harbours as described in Schedule A to this Agreement belong to Her Majesty in right of Canada; and

(b) subject to clause 4 of this Agreement, all ungranted lands not within any harbour as described in Schedule A to this Agreement belong to Her Majesty in right of Ontario.

3. It is hereby further declared that all mines and minerals, including gold and silver and base metals, in, upon or under all lands within the harbours as described in Schedule A to this Agreement are the property of and are vested in Her Majesty in right of Ontario.

## 4. Nothing in this Agreement affects the title to

- (a) any lands that prior to the date of this Agreement were conveyed or transferred by one party to this Agreement to the other party or any lands the administration and control of which were, prior to the date of this Agreement, transferred by Her Majesty in right of Canada to Her Majesty in right of Ontario or by Her Majesty in right of Ontario to Her Majesty in right of Canada; or
- (b) any lands belonging to Her Majesty in right of Canada at the date of this Agreement and acquired otherwise than by virtue of the Second Item in the Third Schedule to the British North America Act, 1867.

5. It is hereby further declared that all grants and quit-claims by Her Majesty in right of Canada as described in Schedule B to this Agreement are hereby confirmed by Ontario, and that all grants and quit-claims by Her Majesty in right of Ontario as described in Schedule C to this Agreement are hereby confirmed by Canada.

6. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of Ontario.

IN WITNESS WHEREOF the Minister of Transport has hereunto set his hand on behalf of the Government of Canada and the Minister of Lands and Forests and the Minister of Mines have hereunto set their hands on behalf of the Government of the Province of Ontario.

Signed on behalf of the Government of Canada  
by the Minister of Transport, in the presence of

(Sgd.) RENEÉ SIMARD

(Sgd.)  
LEON BALCER

Signed on behalf of the Government of the Province  
of Ontario by the Minister of Lands and Forests,  
in the presence of

(Sgd.) MILDRED DONALDSON

(Sgd.)  
J. W. SPOONER

and by the Minister of Mines, in the presence of

(Sgd.) D. P. DOUGLASS

(Sgd.)  
G. C. WARDROPE



*Schedule A*

## PUBLIC HARBOURS

## AMHERSTBURG

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of the Detroit River, lying adjacent to the Township of Malden, the Town of Amherstburg and the Township of Anderdon, in the County of Essex and Province of Ontario and being more particularly described as follows:

COMMENCING at a point in the waters of the Detroit River, being the intersection of the International Boundary with the production westerly of the southern boundary of Lot 16, in Concession 1, in the Township of Malden;

THENCE easterly along the production westerly of the said southern boundary of Lot 16, to the high water mark of the Detroit River;

THENCE northerly along the high water mark of the East bank of the Detroit River to its intersection with the northern boundary of Lot 15, in Concession 1, in the Township of Anderdon;

THENCE westerly along the production westerly of the northern boundary of said Lot 15 to the intersection thereof with the International Boundary;

THENCE southerly along the International Boundary to the point of commencement as shown outlined in green on plan number T1785 attached to this Schedule.

## BELLEVILLE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Bay of Quinte, of Lake Ontario and the Moira River, being a water lot lying in front of part of Lot 2 and in front of Lots 3 and 4, in Concession 1, and in front of Lot 5 and part of Lot 6, in the Broken Front Concession, in the Township of Thurlow, the said Lots now being in the City of Belleville, in the County of Hastings and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the southern boundary of Lot 1 fronting on the East side of South Church Street as shown on the Government Plan in the City of Belleville as having a bearing of North 73 degrees 20 minutes East;

COMMENCING at a point in the production southerly of the eastern limit of Newberry Street as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Hastings as Plan Number 415, the said point being under the waters of the Bay of Quinte and being located as follows:

STARTING at the southwesterly angle of Lot 8, as shown on the Murney Plan in the City of Belleville, the said angle being the intersection of the western boundary of Lot 1, in Concession 1, in the Township of Thurlow with the northern limit of Dundas Street West, as shown on that Plan;

THENCE South 18 degrees 08 minutes 15 seconds East along the said boundary of Lot 1 and the production southerly thereof, a distance of 2493.77 feet;

THENCE North 76 degrees 48 minutes 30 seconds East, a distance of 6672.98 feet, more or less, to a point in the above mentioned production southerly of the eastern limit of Newberry Street, the said point being the point of commencement;

THENCE South 76 degrees 48 minutes 30 seconds West, a distance of 5266.43 feet, more or less, to the intersection thereof with the eastern limit of the property of the Department of Highways of Ontario, the said limit being a line drawn parallel to and perpendicularly distant 80 feet measured easterly from the centre line of the Belleville-Prince Edward County Bridge, and shown on Department of Highways Plan P-1463-3;

THENCE North 13 degrees 21 minutes 30 seconds West along the said limit, a distance of 388.18 feet;

THENCE South 76 degrees 38 minutes 30 seconds West, a distance of 50 feet;

THENCE North 13 degrees 21 minutes 30 seconds West along the eastern limit of the property of the Department of Highways of Ontario to the natural High Water Mark of Bushy Island, shown as Lot 75 on the Murney Plan in the City of Belleville;

THENCE in a general easterly and northerly direction along the natural High Water Mark of Bushy Island to the intersection thereof with the eastern limit of the property of the said Department of Highways, as described in an Instrument registered in the Registry Office for the Registry Division of the County of Hastings as No. 161;

THENCE northerly along the said eastern limit to the natural High Water Mark of the Bay of Quinte;

THENCE in a general easterly direction along the natural High Water Mark of the Bay of Quinte and the Moira River to the intersection thereof with a line drawn North 19 degrees 28 minutes 45 seconds West from the point of commencement, the said intersection being distant 1374 feet, more or less, measured South 19 degrees 28 minutes 45 seconds East along the eastern limit of said Newberry Street and the production southerly thereof from the northwesterly angle of Lot 1, as shown on the said Plan No. 415;

THENCE South 19 degrees 28 minutes 45 seconds East, a distance of 3000 feet, more or less, to the point of commencement.

SAVING AND EXCEPTING thereout and therefrom that portion of the Moira River lying North of the southerly side line of the bridge of the Canadian Pacific Railway, crossing the said River near the mouth thereof;

As shown outlined in green on plan Number T1786 attached to this Schedule.

#### BROCKVILLE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River, being a water lot lying in front of Lots 9, 10, 11 and 12, and part of Lot 13, and in front of the original allowance for road between Lots 12 and 13, in Concession 1, in the Township of Elizabethtown, the said Lots and allowances for road now being in the City of Brockville, in the County of Leeds and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the western limit of Thomas Street, as shown on the compiled plan of the City of Brockville by Chipman, P.L.S., and filed in the Registry Office for the Registry Division of the County of Leeds as Plan No. 67, which said limit has a bearing of North 30 degrees 17 minutes West;

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the eastern boundary of said Lot 9, the said intersection being distant 3635.26 feet measured South 30 degrees 34 minutes East



along the said boundary and that production from a point distant 28 feet measured easterly along a line drawn perpendicular to the said eastern boundary, from a concrete monument marking the northeasterly corner of Lot 58, in Block 3, as shown on the said compiled plan of the City of Brockville;

THENCE North 30 degrees 34 minutes West along the production southerly of the eastern boundary of Lot 9, a distance of 2633.26 feet to the natural High Water Mark of the North bank of the St. Lawrence River;

THENCE in a general southwesterly direction along the natural High Water Mark of the North bank of the St. Lawrence River to the intersection thereof with the production southerly of the western limit of Thomas Street;

THENCE south 30 degrees 17 minutes East along the production southerly of the western limit of Thomas Street, a distance of 2579.72 feet, more or less, to the said International Boundary;

THENCE northeasterly along the International Boundary, a distance of 6453 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1787 attached to this Schedule.

#### CHATHAM

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of the Thames River, being a water lot lying in front of part of Lot 24, in Concession 1, in the Township of Dover, and in front of part of Lot 1, in Concession 1, in the Township of Chatham, and in front of part of Lot 24, in Concession 1, reckoned on the eastern boundary from the Thames River, in the Township of Raleigh, and in front of part of Lot 1, in 1st Concession on River Thames, in the Township of Harwick, County of Kent and Province of Ontario, the said Lots now being in the City of Chatham, as shown on a plan of the Town of Chatham, by Kirk and Salter, Provincial Land Surveyors, and of record with the Department of Lands and Forests for the Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at the most southerly angle of Lot 1, in Block 13, as shown on the said plan of the Town of Chatham, the said angle being at the intersection of the northeastern limit of Salter Street and the High Water Mark of the westerly bank of the Thames River;

THENCE southerly in and along the High Water Mark of the westerly bank of the Thames River to the southerly angle of Lot 4, in Block 8, as shown on the said plan of the Town of Chatham;

THENCE southeasterly along the production southeasterly of the southwestern boundary of said Lot 4, across the Thames River to the intersection thereof with the High Water Mark of the easterly bank of the Thames River;

THENCE northerly in and along the High Water Mark of the eastern bank of the Thames River to the intersection thereof with the production southeasterly of the southwestern boundary of Lot 1, in Block 13;

THENCE northwesterly along the last said production southeasterly across the Thames River to the point of commencement;

As shown outlined in green on Plan Number T1788 attached to this Schedule.

#### COLLINGWOOD

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Nottawasaga Bay, of Georgian Bay, of Lake Huron, being a water lot lying opposite Lot 44, in Concession 8 and

Lots 44, 45 and 46, in Concession 9, in the Township of Nottawasaga, the said Lots now being in the Town of Collingwood, in the County of Simcoe and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the southeasterly angle of Lot 46, in Concession 10, in the Township of Nottawasaga;

COMMENCING at the intersection of the High Water Mark of Lake Huron with the western boundary of Lot 46, in Concession 9, in the said Township, the said intersection being distant 1730.73 feet measured North 9 degrees 06 minutes 35 seconds West along the said western boundary from the southwesterly angle of the said Lot;

THENCE North 5 degrees 00 minutes East, a distance of 5000 feet;

THENCE South 60 degrees 00 minutes East, a distance of 4786.5 feet, more or less, to the intersection thereof with the production northwesterly of the eastern limit of Niagara Street as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Simcoe as Plan 282;

THENCE South 30 degrees 34 minutes 35 seconds East along the said production of the eastern limit of Niagara Street, a distance of 5080.37 feet, more or less, to the High Water Mark of Nottawasaga Bay;

THENCE in a general southerly direction along the High Water Mark to the northwesterly limit of that portion of Huron Street granted by Crown, Ontario, to the Town of Collingwood on July 8th, 1904;

THENCE southwesterly along the said limit of Huron Street to the intersection thereof with the High Water Mark of Lake Huron;

THENCE in a general westerly and northerly direction following in and along the said High Water Mark to the point of commencement;

As shown outlined in green on Plan Number T1789 attached to this Schedule.

#### FORT WILLIAM

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Thunder Bay of Lake Superior, being a water lot lying opposite part of the allowance for road between the Townships of McIntyre and Neebing Additional (McKellar Ward) and opposite the allowance for road along the shore of Thunder Bay East of and adjacent to Lots 1 to 20 inclusive in Concession K, in the Township of Neebing Additional (McKellar Ward), now in the City of Fort William and opposite part of the Fort William Indian Reserve, in the District of Thunder Bay and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the Geodetic Station "Library";

COMMENCING at the intersection of the natural high water mark of Thunder Bay, with a line drawn parallel to and perpendicularly distant 33 feet northerly from the northern boundary of Lot 20, in Concession K, in the said Township of Neebing Additional (McKellar Ward);

THENCE South 89 degrees 56 minutes East along the production easterly of the said parallel line, a distance of 5738.8 feet, more or less, to a point in Thunder Bay, distant 7018.8 feet measured South 89 degrees 56 minutes East along the said parallel line and the production easterly thereof from the intersection of the said line with the production northerly of the western boundary of said Lot 20;

THENCE South 14 degrees 29 minutes East, a distance of 7700 feet;

THENCE South 06 degrees 57 minutes 34.27 seconds West, a distance of 17,714.84 feet, more or less, to the southeasterly angle of the water lot granted to the Department of Railways and Canals under Order-in-Council P.C. No. 2157, dated June 25th, 1921;

THENCE West, a distance of 2100 feet, more or less, to the natural high water mark of Thunder Bay;

THENCE in a general northerly direction along the said natural high water mark of Thunder Bay and the natural high water mark of the South bank of the Mission River, to the intersection thereof with a line drawn North 05 degrees 57 minutes 59 seconds West across the Mission River from the Geodetic Station "Mission";

THENCE North 05 degrees 57 minutes 59 seconds West along the said line across the Mission River to the natural high water mark of the North bank of the said River;

THENCE in a general northerly direction along the natural high water mark of the North bank of the Mission River and along the natural high water mark of Thunder Bay to the intersection thereof with a line drawn North 17 degrees 25 minutes 01 seconds East across the mouth of the McKellar River from the Geodetic Station "Playfair";

THENCE North 17 degrees 25 minutes 01 seconds East along the said line across the mouth of the McKellar River to the natural high water mark of Thunder Bay;

THENCE continuing in a general northerly direction along the natural high water mark of Thunder Bay to the intersection thereof with a line drawn North across the mouth of the Kaministiquia River from the Geodetic Station "C.P.R. Slip, North";

THENCE North along the last said line to the intersection thereof with the high water mark of the North bank of the said Kaministiquia River;

THENCE in a general northerly direction along the high water mark of the North bank of the said River and along the natural high water mark of Thunder Bay to the point of commencement.

SAVE AND EXCEPT Mutton Island;

As shown outlined in green on Plan Number T1798B attached to this Schedule.

#### GANANOQUE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River and the Gananoque River, being a water lot lying in front of part of Lot 13 and in front of Lots 14 and 15, in Concession 1, in the Township of Leeds, in the County of Leeds and Province of Ontario, the said Lots now being in the Town of Gananoque, as shown on a plan of part of the said Town by W. H. Deane, Provincial Land Surveyor, dated November 15th, 1858, and of record in the Department of Lands and Forests for the Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern limit of Lot 15, in Concession 1, in the Township of Leeds as having a bearing of North 00 degrees 46 minutes West;

COMMENCING at a point under the waters of the St. Lawrence River, which said point is distant 2779.16 feet measured South 3 degrees 27 minutes 30 seconds East along the eastern limit of Princess Street and the production southerly thereof from the intersection of the said limit of Princess Street with the southern limit of King Street West;



THENCE North 71 degrees 40 minutes East, a distance of 3982.28 feet, more or less, to a point in the production southerly of the eastern boundary of Lot 15, in the said Concession 1;

THENCE North 00 degrees 46 minutes West along the said production southerly of the eastern boundary of Lot 15, a distance of 2000 feet, more or less, to the natural High Water Mark of the St. Lawrence River;

THENCE westerly along the natural High Water Mark of the St. Lawrence River, and northerly along the natural High Water Mark of the East bank of the Gananoque River to the intersection thereof with the eastern limit of King Street;

THENCE southerly along the eastern limit of King Street to the intersection thereof with the natural High Water Mark of the West bank of the Gananoque River;

THENCE in a general southerly direction along the last said High Water Mark and westerly along the natural High Water Mark of the St. Lawrence River to the intersection thereof with the production southerly of the eastern limit of Princess Street;

THENCE South 3 degrees 27 minutes 30 seconds East along that production to the intersection thereof with the natural High Water Mark of Little Island in the St. Lawrence River;

THENCE Southeasterly along the natural High Water Mark of Little Island to the intersection thereof with the production southerly of the said eastern limit of Princess Street;

THENCE South 3 degrees 27 minutes 30 seconds East along the said production of Princess Street to the point of commencement;

As shown outlined in green on Plan Number T1790 attached to this Schedule.

#### GODERICH

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Huron and the Maitland River, being a water lot lying opposite part of Block "A", in the Township of Colborne and opposite the Town of Goderich, in the County of Huron and Province of Ontario, the said Town being shown on a plan of survey by T. V. Molesworth, P.L.S. and of record with the Department of Lands and Forests of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the northern boundary of Lot 1, in Concession "A", in the Township of Goderich, as having a bearing of East;

COMMENCING at a point under the waters of Lake Huron, the said point being distant 3389.66 feet measured West along the northern boundary of Lot 1, in Concession "A", in the Township of Goderich and the production westerly thereof from the northeasterly angle of the said Lot;

THENCE North 13 degrees 10 minutes West, a distance of 3269.6 feet;

THENCE North 76 degrees 50 minutes East, a distance of 3997 feet, more or less, to the natural high-water mark of Lake Huron;

THENCE in a general southerly direction along the natural high water mark of Lake Huron and along the natural high water mark of the North bank of the Maitland River to the intersection thereof with a line drawn North 6 degrees 51 minutes West from the said northeasterly angle of Lot 1, in Concession "A";

THENCE South 6 degrees 51 minutes East across the Maitland River to an iron bar planted, the said iron bar being distant 3251.77 feet measured

North 6 degrees 51 minutes West from the said northeasterly angle of Lot 1, in Concession "A", which said iron bar is, for the purpose of this description, designated as point "A";

THENCE South 32 degrees West, a distance of 820 feet, more or less, to the North face of the North concrete pier forming the Basin entrance;

THENCE easterly along that face to the easterly extremity of that pier;

THENCE northerly along the high water mark of the Basin to the South face of the concrete wharf forming the northerly limit of the Basin;

THENCE in a general easterly, southerly and westerly direction along the southerly, westerly and northerly faces of the concrete wharf forming the Basin to the intersection thereof with a line drawn South 14 degrees 57 minutes 55 seconds West from the said point "A";

THENCE South 14 degrees 57 minutes 55 seconds West across the South concrete pier forming the Basin entrance, a distance of 35 feet, more or less, to the South face of the said pier;

THENCE in a general southerly direction along the natural high water mark of Lake Huron to the intersection thereof with a line drawn East through the point of commencement, the said intersection being distant 489.66 feet, more or less, measured West along the northern boundary of said Lot 1, in Concession "A" from the northeasterly angle of the said Lot;

THENCE West, a distance of 2900 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1791 attached to this Schedule.

#### KINCARDINE

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of Lake Huron, being a water lot lying adjacent to the Town of Kincardine, in the County of Bruce and Province of Ontario and being more particularly described as follows:

PREMISING the bearings hereinafter mentioned are astronomical and are referred to the bearing of South 59 degrees 26 minutes East for the northeasterly limit of the Town of Kincardine as shown on the plan of the said Town by A. P. Brough, D.P.S., dated 3rd May 1851 and of record with the Department of Lands and Forests for the Province of Ontario;

COMMENCING at the intersection of the high water mark of Lake Huron with the production northwesterly of the southwestern limit of Lambton Street, the said intersection being distant 210 feet measured North 59 degrees 26 minutes West along the said production of Lambton Street from the most northerly angle of Lot 10 on the East side of Saugheen Street;

THENCE North 59 degrees 26 minutes West, a distance of 1270 feet;

THENCE South 53 degrees 20 minutes West, a distance of 1087.95 feet;

THENCE South 30 degrees 34 minutes West, a distance of 272.54 feet, more or less, to intersect a line drawn on a course of North 59 degrees 26 minutes West from the southeasterly angle of Lot 7 on the West side of Huron Terrace;

THENCE South 59 degrees 26 minutes East, a distance of 2000 feet, more or less, to the high water mark of Lake Huron;



THENCE northerly along the said high water mark of Lake Huron and along the high water mark of the Kincardine Harbour to its intersection of the Western limit of Huron Terrace;

THENCE North 30 degrees 34 minutes East along the said limit of Huron Terrace to its intersection with the high water mark of the said harbour;

THENCE along the high water mark of the said harbour and along the high water mark of Lake Huron to the point of commencement;

As shown outlined in green on Plan Number T1792 attached to this Schedule:

#### KINGSTON

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Ontario and the St. Lawrence River and the Cataraqui River, being a water lot lying in front of Lots 18, 19, 20 and 21 and in front of the allowance for road between Lots 17 and 18, in the Broken Front Concession, and in front of Lots 22, 23 and 24, in Concession 1, and in front of the Town of Kingston as incorporated in 1838, and in front of Lot 1 West of the Great Cataraqui River, in the Township of Kingston, the said Lots and Town now being in the City of Kingston, in the County of Frontenac and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through a standard iron bar planted at the most southerly end of Point Frederick;

COMMENCING at a point in the waters of Lake Ontario, the said point being distant 3887.71 feet measured South 4 degrees 24 minutes 45 seconds East along the easterly boundary of Lot 17 in the said Broken Front Concession and the production southerly thereof from the north-easterly angle of the said Lot;

THENCE due East 14,342.88 feet, more or less, to a point distant 6080 feet measured South 4 degrees 1 minute 30 seconds East from a standard iron bar planted at the natural high water mark of the most southerly end of Point Frederick;

THENCE North 4 degrees 1 minute 30 seconds West, a distance of 6075 feet, more or less, to the water's edge at the most southerly end of Point Frederick;

THENCE in a general northerly direction along the water's edge of the East bank of the Cataraqui River to the intersection thereof with the production easterly of the northerly boundary of Lot 1, West of the Great Cataraqui River;

THENCE South 78 degrees 58 minutes West along that production to the intersection thereof with the natural high water mark of Bell Island;

THENCE in a general southwesterly, westerly and northwesterly direction along the said natural high water mark to its intersection with the said production easterly of the northerly boundary of said Lot 1;

THENCE South 78 degrees 58 minutes West along the said easterly production to its intersection with the natural high water mark of the West bank of the Cataraqui River, the said intersection being distant 3131.81 feet measured North 78 degrees 58 minutes East along the northerly boundary of the said Lot 1 from the northwesterly angle thereof;

THENCE in a general southerly and westerly direction along the natural high water mark of the said westerly bank of the Cataraqui River and of Lake Ontario to the intersection with the easterly boundary of Lot 17 in the said Broken Front Concession, the said intersection being distant 2221.20 feet measured South 4 degrees 24 minutes 45 seconds East along the said easterly boundary from the northeasterly angle of the said Lot;

THENCE South 4 degrees 24 minutes 45 seconds East along the production southerly of the said easterly boundary of Lot 17, a distance of 1666.51 feet to the point of commencement;

As shown outlined in green on Plan Number T2866 attached to this Schedule.

#### KINGSVILLE

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie, being a water lot lying in front of Lot 1 and part of Lot 2, in Concession 1 Eastern Division, in the Township of Gosfield South, the said Lots now being in the Town of Kingsville, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the northwesterly angle of Lot 15 as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 965:

COMMENCING at the intersection of the high water mark of Lake Erie with the western boundary of said Lot 1, the said intersection being distant 369 feet measured South 03 degrees 20 minutes 15 seconds West along the said boundary from the northwesterly angle of Lot 15 as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 965;

THENCE South 03 degrees 20 minutes 15 seconds West, a distance of 2100 feet;

THENCE North 72 degrees 14 minutes 45 seconds East, a distance of 3642.5 feet, more or less, to the intersection thereof with the production southerly of the western limit of Wigle Avenue as shown on a plan of subdivision registered in the Registry Office for the County of Essex as Plan Number 432;

THENCE North 00 degrees 22 minutes East along the said production southerly of the western limit of Wigle Avenue, a distance of 2218.94 feet, more or less, to the high water mark of Lake Erie;

THENCE westerly along the said high water mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1793 attached to this Schedule.

#### LEAMINGTON

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie, being a water lot lying in front of part of Lots 6 and 7, in Concession 1, in the Township of Mersea, in the County of Essex, and Province of Ontario, the said Lots now being in the Town of Leamington, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 6, in Concession 1, in the Township of Mersea, as having a bearing of North 2 degrees 55 minutes East;

COMMENCING at the intersection of the High Water Mark of Lake Erie with a line drawn parallel to and distant 660 feet measured westerly at right angles to the eastern boundary of Lot 6, the said intersection being located as follows:

STARTING at the intersection of the eastern boundary of said Lot 6 with the southern limit of the allowance for road as laid out by the Township of Mersea By-law Number 58;



THENCE North 87 degrees 04 minutes West along the said southern limit of the said allowance for road, a distance of 660 feet;

THENCE South 02 degrees 55 minutes West parallel to the said eastern boundary of said Lot 6, a distance of 1496.25 feet to the point of commencement;

THENCE South 02 degrees 55 minutes West, a distance of 2000 feet;

THENCE South 65 degrees 25 minutes East, a distance of 1491.37 feet, more or less, to a point in the production southerly of a line drawn parallel to and distant 660 feet measured easterly at right angles from the western boundary of said Lot 7, in the said Concession;

THENCE North 02 degrees 55 minutes East along the said production southerly, a distance of 1892 feet, more or less, to the High Water Mark of Lake Erie;

THENCE westerly along the said High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1794 attached to this Schedule.

#### OSHAWA

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Ontario, being a water lot lying in front of part of Lots 5, 6 and 7, in the Broken Front Concession, in the Township of East Whitby, in the County of Ontario, and Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomic and are referred to the northern boundary of Lot 6, in the Broken Front Concession, in the Township of East Whitby, as having a bearing of North 72 degrees 46 minutes 30 seconds East;

COMMENCING at the intersection of the High Water Mark of Lake Ontario with a line drawn parallel to the easterly face of the western pier of Oshawa Harbour and distant 892.15 feet measured easterly at right angles thereto, the said intersection being located as follows:

STARTING at the northeasterly angle of Lot 6, in the Broken Front Concession, in the said Township;

THENCE South 17 degrees 01 minutes East along the eastern boundary of said Lot 6, the said boundary being the western limit of a travelled road through Lot 5, in the said Concession, a distance of 1657.75 feet;

THENCE South 17 degrees 11 minutes 30 seconds East continuing along the said limit of the said road, a distance of 1952.93 feet;

THENCE South 18 degrees 22 minutes 40 seconds East continuing along the said limit of the said road, a distance of 1708.32 feet;

THENCE South 18 degrees 25 minutes 55 seconds East continuing along the said limit, a distance of 804.90 feet;

THENCE South 45 degrees 56 minutes 30 seconds East, a distance of 1054.4 feet to the point of commencement;

THENCE South 32 degrees 35 minutes 30 seconds East along the said parallel line, a distance of 2750 feet.

THENCE South 49 degrees 24 minutes 30 seconds West, a distance of 1405.8 feet, more or less, to a line drawn parallel to the said easterly face of the westerly pier and distant 500 feet measured westerly at right angles thereto;

THENCE North 32 degrees 35 minutes 30 seconds West along the last said parallel line, a distance of 2469.82 feet, more or less, to the intersection thereof with the High Water Mark of Lake Ontario;

THENCE northeasterly along the High Water Mark of Lake Ontario and Oshawa Harbour to the point of commencement;

As shown outlined in green on Plan Number T1795 attached to this Schedule.

#### OWEN SOUND

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Owen Sound, of Georgian Bay, of Lake Huron and of the Potawatami and the Sydenham Rivers, being a water lot lying opposite the Allowance for Road lying in rear of Lots 10, 11, 12, 13, 14, 15, 16 and 17, in Concession 3, in the Township of Sarawak and lying opposite the City of Owen Sound, in the County of Grey and Province of Ontario, the said City being shown on plans of survey of the Town of Brooks and the Village of Sydenham and of record in the Department of Lands and Forests, Ontario, the said water lot being more particularly described as follows:

COMMENCING at the intersection of the natural High Water Mark of Owen Sound with the production easterly of the northern boundary of Lot 17, in Concession 3, in the Township of Sarawak, the said intersection being distant 2459 feet measured easterly along the said boundary and the said production thereof from the northwesterly angle of the said Lot;

THENCE southerly along the natural High Water Mark of Owen Sound and the natural High Water Mark of the West bank of the Potawatami River to the intersection thereof with the production northerly of the eastern limit of First Avenue West as shown on the said plan of the Town of Brooke;

THENCE southerly along the production northerly of the eastern limit of First Avenue West to the intersection thereof with the natural High Water Mark of the East bank of the Potawatami River;

THENCE northerly along the natural High Water Mark of the East bank of Potawatami River and easterly along the natural High Water Mark of Owen Sound and southerly along the High Water Mark of the West bank of the Sydenham River to the intersection thereof with the northern limit of Tenth Street West as shown on the said plan of the Village of Sydenham;

THENCE easterly along the northern limit of Tenth Street West to the intersection thereof with the High Water Mark of the East bank of the Sydenham River;

THENCE northerly along the High Water Mark of the East bank of the Sydenham River and continuing in a general northerly direction along the natural High Water Mark of Owen Sound to the intersection thereof with the western limit of the Allowance for Road between the City of Owen Sound and the Township of Sydenham;

THENCE northerly along the production northerly of the western limit of the said Allowance for Road, a distance of 142 feet, more or less, to the intersection thereof with the production easterly of the northern boundary of Lot 17, in Concession 3, in the said Township of Sarawak, the said intersection being distant 2810.19 feet measured northerly along the western limit of the said Allowance for Road and the said production thereof from the southeasterly angle of Park Lot B, in Squaw Point, in the City of Owen Sound;

THENCE westerly along the said production easterly of the northern boundary of said Lot 17, a distance of 8850.82 feet, more or less, to the point of commencement;



As shown outlined in green on Plan Number T1796 attached to this Schedule.

#### PENETANGUISHENE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Penetang Harbour, of Georgian Bay, of Lake Huron, being a water lot lying opposite part of the Military Reserve Triangular Redoubt, Lots 1 and 2 in Concession 16, the allowance for road between Concessions 15 and 16, Lot 2 in Concession 15, the Military Reserve Square Redoubt, Lot 3 in Concession 14, the allowance for road between said Lot 3 and Park Lot 1 West of the Bay, Park Lots 1, 2, 3, 4, 5, 6, 18, 19, 20 and 21 West of the Bay, Lots 117 and 116 in Concession 1, West of Penetanguishene Road and the Western part of the Town Plot of Penetanguishene, all in the Township of Tiny, and opposite the allowance for road between the Townships of Tiny and Tay, known as the Penetanguishene Road, and opposite the eastern part of the Town Plot of Penetanguishene, the Pensioners' 3-acre Lots, formerly known as the Military Ordnance Lands, and part of the Reformatory Prison Farm, all in the Township of Tay, in the County of Simcoe, and Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at the intersection of the natural high water mark of the eastern shore of Penetang Harbour with the production north-westerly of the eastern limit of the allowance for road between Concessions 1 and 2, East of the Penetanguishene Road, in the Township of Tay, the said intersection being distant 5048 feet measured northwesterly along the said limit from the most southerly angle of Lot A 1 of the Pensioners' 40-acre Lots in the said Township;

THENCE northwesterly along that production, a distance of 2643.55 feet, more or less, to the southeasterly angle of Lot 11 as shown on a plan of subdivision of part of the Military Reserve Triangular Redoubt, filed in the Registry Office for the Registry Division of the County of Simcoe as Plan 1143;

THENCE in a general southerly direction along the natural high water mark of the West shore of Penetang Harbour and continuing in a general northerly direction along the natural high water mark of the East shore of Penetang Harbour to the point of commencement.

SAVE AND EXCEPTING Magazine Island;

As shown outlined in green on Plan Number T1797 attached to this Schedule.

#### PORT ARTHUR

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Thunder Bay, of Lake Superior, being a water lot lying opposite Mining Locations 2, 3, 4 and 6, in the Township of McGregor, and opposite Mining Location 7, and Sections 37, 38, 39, 51 and 52, in the Township of McIntyre, and in front of Prince Arthur's Landing and part of the allowance for road between the Townships of McIntyre and Neebing Additional (McKellar Ward), all of the above now being in the City of Port Arthur, in the District of Thunder Bay and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the Geodetic Station "Stephen";

COMMENCING at the intersection of the natural high water mark of Thunder Bay, with a line drawn parallel to and perpendicularly distant 33 feet northerly from the northern boundary of Lot 20, in Concession K, in the Township of Neebing Additional (McKellar Ward);

THENCE South 89 degrees 56 minutes East along the production easterly of the said parallel line, a distance of 5738.8 feet, more or less, to a point in Thunder Bay, distant 7018.8 feet measured South 89 degrees



56 minutes East along the said parallel line and the production easterly thereof from the intersection of the said line with the production northerly of the western boundary of said Lot 20;

THENCE North 14 degrees 29 minutes 7.18 seconds West, a distance of 8687.2 feet;

THENCE North 31 degrees 58 minutes 47.95 seconds East, a distance of 2356.3 feet;

THENCE North 44 degrees 35 minutes 18.2 seconds East, a distance of 11,717 feet;

THENCE North 23 degrees 46 minutes East, a distance of 7837.8 feet, more or less, to a point distant 3128.8 feet measured South 00 degrees 33 minutes East along the eastern boundary of the said Mining Location 2 and the production southerly thereof, from the northeasterly angle of the said Mining Location 2;

THENCE North 00 degrees 33 minutes West along that production, a distance of 2000 feet, more or less, to the natural high water mark of Thunder Bay;

THENCE in a general southerly direction along the said high water mark to the point of commencement;

As shown outlined in green on Plan Number T1798A attached to this Schedule.

#### PORT BURWELL

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Erie and of Big Otter Creek, being a water lot lying in front of Lots 11 and 12, in Concession 1, in the Township of Bayham, part of the said Lots now being in the Town of Port Burwell in the County of Elgin and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 12, in Concession 1, in the Township of Bayham, as North 00 degrees 54 minutes 30 seconds East;

COMMENCING at the intersection of the western boundary of Lot 11, with the natural High Water Mark of Lake Erie;

THENCE South 00 degrees 42 minutes 15 seconds West along the production southerly of the said western boundary of Lot 11, a distance of 3850 feet, more or less, to a point in Lake Erie distant 11,657 feet measured South 00 degrees 42 minutes 15 seconds West along the said boundary and the said production from the northwesterly angle of said Lot 11;

THENCE South 89 degrees, 17 minutes 45 seconds East, a distance of 2626.92 feet, more or less, to the intersection with the production southerly of the eastern boundary of said Lot 12;

THENCE North 00 degrees 54 minutes 30 seconds East along the said production southerly of the eastern boundary of said Lot 12, a distance of 5461 feet, more or less, to the natural High Water Mark of Lake Erie;

THENCE westerly along the natural High Water Mark of Lake Erie and northerly along the High Water Mark of the East bank of Big Otter Creek to the intersection thereof with the production westerly of the northern limit of Waterloo Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Elgin, as Plan Number 12;

THENCE westerly along the said production westerly of the northern limit of Waterloo Street to the High Water Mark of the West bank of Big Otter Creek;

THENCE southerly along the High Water Mark of the West bank of Big Otter Creek and westerly along the natural High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1799 attached to this Schedule.

#### PORT HOPE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Ontario and of the Ganaraska River, being a water lot lying in front of part of Lot 5, Lot 6, part of Lot 7, and the Allowance for Road between Lots 6 and 7, all in the Broken Front Concession, in the Township of Hope, and now in the Town of Port Hope, in the County of Durham and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the westerly limit of Lot 4, in the Broken Front Concession, in the Township of Hope, and now in the Town of Port Hope as being North 18 degrees 49 minutes 30 seconds West;

COMMENCING at a point in Lake Ontario, opposite Lot 5, in the said Broken Front Concession which may be located as follows:

STARTING at the northeasterly corner of the said Lot Five (5);

THENCE South 18 degrees 49 minutes 30 seconds East along the eastern boundary of the said Lot 5, a distance of 989.25 feet;

THENCE South 70 degrees 53 minutes 30 seconds West, a distance of 968.67 feet;

THENCE South 18 degrees 49 minutes 30 seconds East, a distance of 4182.10 feet to the point of commencement of the herein described land;

THENCE South 71 degrees 10 minutes 30 seconds West, a distance of 2400 feet, more or less, to the intersection with a line drawn South 18 degrees 49 minutes 30 seconds East, through a point in the said Lot 7 which may be located as follows:

STARTING at the intersection of the southern boundary of Hayward Street with the western boundary of John Street as shown on a plan of the Town of Port Hope and registered in the Registry Office for the Registry Division of the East Riding of the County of Durham;

THENCE southerly along the westerly boundary of John Street, a distance of 1258 feet;

THENCE South 71 degrees 10 minutes 30 seconds West, a distance of 301.10 feet to the above mentioned point in the said Lot 7;

THENCE North 18 degrees 49 minutes 30 seconds West along the above mentioned line, a distance of 2873.45 feet, more or less, to the natural High Water Mark of Lake Ontario;

THENCE in a general easterly and northerly direction along the High Water Mark of Lake Ontario and of the western bank of the Ganaraska River to the intersection of the last mentioned High Water Mark with the southern limit of Gage Street, as shown on the said plan of the Town of Port Hope;

THENCE easterly along that southern limit to the intersection with the High Water Mark on the eastern bank of the Ganaraska River;

THENCE in a general southerly and easterly direction along that High Water Mark and the natural High Water Mark of Lake Ontario, to the intersection of the last mentioned High Water Mark with a line drawn North 18 degrees 49 minutes 30 seconds West through the point of commencement;



THENCE South 18 degrees 49 minutes. 30 seconds East along that line a distance of 3800 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1817 attached to this Schedule.

#### PORT STANLEY

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Lake Erie and of Kettle Creek, being a water lot lying in front of Lot 1, in Concession 1, in the Township of Yarmouth and in front of part of Lot 16, in Range 1, South of Lake Road in the Township of Southwold and opposite the Allowance for Road between the said Townships, the said Lots now being in the Village of Port Stanley, in the County of Elgin and Province of Ontario, the said water lot being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the line between Lots 1 and 2, in Concession 1, in the Township of Yarmouth as having a bearing of North 2 degrees 27 minutes East;

COMMENCING at the intersection of the natural High Water Mark of Lake Erie with the eastern limit of William Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of the County of Elgin as Plan Number 176;

THENCE South 02 degrees 51 minutes West along the production southerly of the said eastern limit of William Street, a distance of 2128.5 feet, more or less, to a point in Lake Erie distant 4058.56 feet measured South 02 degrees 51 minutes West along the said limit of William Street and the production southerly thereof from the southwesterly angle of Lot 5 fronting on the North side of George Street, East of William Street, as shown on a plan of subdivision filed in the said Registry Office as Plan Number 117;

THENCE East, a distance of 2112 feet, more or less, to the intersection with the production southerly of the eastern boundary of Lot 1, in Concession 1, in the Township of Yarmouth;

THENCE North 02 degrees 27 minutes East along the said production southerly of the eastern boundary of said Lot, a distance of 4000 feet, more or less, to the natural High Water Mark of Lake Erie;

THENCE in a general southwesterly direction along the natural High Water Mark of Lake Erie and northerly along the natural High Water Mark of the East bank of Kettle Creek to the intersection thereof with the southern limit of Warren Street as shown on a plan of subdivision registered in the said Registry Office as Plan Number 117;

THENCE westerly along the said limit of Warren Street to the intersection thereof with the natural High Water Mark of the West bank of Kettle Creek;

THENCE southerly along the natural High Water Mark of the West bank of Kettle Creek and westerly along the natural High Water Mark of Lake Erie to the point of commencement;

As shown outlined in green on Plan Number T1818 attached to this Schedule.

#### PRESCOTT

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Lawrence River, being a water lot lying in front of Lots 34, 35, 36, 37 and the Commons, now known as Lot 38, in Concession 1, in the Township of Edwardsburgh, and in front of Commons Lot A and Lots 1, 2, 3, 4, and part of Lot 5, and in front of the original Allowance for Road between Lot 1 and Commons Lot A, in

Concession 1, in the Township of Augusta, part of the said Lots, excepting Lots 34, 35 and 36, in the Township of Edwardsburgh, now being in the Town of Prescott, in the County of Grenville and Province of Ontario, which said water lot is more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the western limit of Sophia Street, as shown on the compiled plan of the Town of Prescott by Willis Chipman, P.L.S. and filed in the Registry Office for the Registry Division of the County of Grenville as Plan Number 15, as having a bearing of South 40 degrees 15 minutes 20 seconds East;

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the said westerly limit of Sophia Street, the said intersection being distant 2985.25 feet measured South 40 degrees 15 minutes 20 seconds East along the said westerly limit of Sophia Street and that production from the southeasterly angle of Lot 39 on the South side of King Street, in Block 3, as shown on the said plan No. 15;

THENCE North 40 degrees 15 minutes 20 seconds West along the production southerly of the westerly limit of Sophia Street, a distance of 2663.60 feet to the High Water Mark of the North bank of the St. Lawrence River;

THENCE in a general northeasterly direction along the High Water Mark of the North bank of the St. Lawrence River to the intersection thereof with the production southerly of the easterly boundary of Lot 34, in Concession 1, in the said Township of Edwardsburgh;

THENCE South 30 degrees 45 minutes East along the production southerly of the said easterly boundary, a distance of 1661.1 feet, more or less, to the said International Boundary;

THENCE southwesterly along the said International Boundary, a distance of 7157.4 feet, more or less, to turning point No. 62;

THENCE southwesterly, continuing along the said International Boundary, a distance of 3624.6 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1995 attached to this Schedule.

#### RONDEAU BAY

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Erie and Rondeau Bay, being a water lot lying adjacent to and on each side of the Sand Bar at Rondeau Harbour, in the Township of Harwich, in the County of Kent and Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the intersection of the easterly face of the westerly pier of Rondeau Harbour with the centre line of Mariner's Road, as shown on a plan of subdivision registered in the Registry Office for the County of Kent as Plan Number 439;

COMMENCING at the intersection of the high water mark of Lake Erie with a line drawn parallel to and distant 500 feet measured westerly at right angles from the easterly face of the westerly pier of Rondeau Harbour, the said intersection being located as follows:

STARTING at the intersection of the easterly face of the said westerly pier with the southern limit of Mariner's Road as shown on a plan of subdivision registered in the Registry Office for the County of Kent as Plan Number 439;

THENCE North 73 degrees 10 minutes 40 seconds West along the southern limit of Mariner's Road, a distance of 501.25 feet, more or less, to the intersection thereof with the said parallel line;

THENCE South 12 degrees 45 minutes 35 seconds West along the said parallel line, a distance of 257.32 feet, to the point of commencement;

THENCE easterly along the high water mark of Lake Erie and along the several faces of the westerly pier to a point on the easterly face of the said pier, distant 421.18 feet measured northerly along the said pier from the intersection thereof with the said southern limit of Mariner's Road;

THENCE South 77 degrees 14 minutes 25 seconds East, a distance of 100 feet;

THENCE North 12 degrees 45 minutes 35 seconds East parallel to the said easterly face of the said westerly pier, a distance of 800 feet;

THENCE South 77 degrees 14 minutes 25 seconds East, a distance of 700 feet;

THENCE South 12 degrees 45 minutes 35 seconds West parallel to the said easterly face of the said pier, a distance of 800 feet, more or less, to the high water mark of Rondeau Bay;

THENCE westerly following in and along the high water mark of Rondeau Bay and along the faces of the easterly pier of Rondeau Harbour, and along the high water mark of Lake Erie to the intersection thereof with a line drawn parallel to the easterly face of the westerly pier and distant 800 feet measured easterly at right angles thereto;

THENCE South 12 degrees 45 minutes 35 seconds West along the said parallel line to the intersection thereof with a line drawn South 77 degrees 14 minutes 25 seconds East from a point in the said parallel line drawn through the point of commencement and distant 1750 feet measured South 12 degrees 45 minutes 35 seconds West along the said parallel line from the said point of commencement;

THENCE North 77 degrees 14 minutes 25 seconds West, a distance of 1300 feet to the said parallel line through the point of commencement;

THENCE North 12 degrees 45 minutes 35 seconds East along the said parallel line, a distance of 1750 feet to the point of commencement;

As shown outlined in green on Plan Number T1996 attached to this Schedule.

#### SARNIA

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Saint Clair River, being a water lot lying in front of the Village of Point Edward, formerly part of the Military Reserve and in front of Lots 70, 71, 72, 73, 74, 75 and 76, in the Front Concession, in the Township of Sarnia and in front of the Town of Sarnia, formerly part of the Sarnia Indian Reserve, the said Lots and Town now being in the City of Sarnia, in the County of Lambton and the Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at a point in the waters of the Saint Clair River, being the intersection of the International Boundary between Canada and the United States of America, with the production westerly the southern limit of the approach to the International Bridge between Point Edward, Ontario, and Port Huron, Michigan, as shown on Department of Highways of Ontario Plan P2039-2 and deposited in the Registry Office for the Registry Division of the County of Lambton as Number 153;

THENCE easterly along that production to the high water mark of the East bank of the Saint Clair River;



THENCE in a general southerly direction along the said high water mark to the intersection thereof with the northern boundary of Lot 44, fronting on the River, in the Sarnia Indian Reserve;

THENCE westerly along the production westerly of the said northern boundary of Lot 44, to the intersection thereof with the said International Boundary;

THENCE northerly along the said International Boundary to the point of commencement;

As shown outlined in green on Plan Number T1997 attached to this Schedule.

#### SAULT STE. MARIE

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the St. Marys River, being a water lot lying in front of the Town Plot of St. Mary's and in front of Church Street and Park Lots 23, 24, 25, 26, 27, 28, 29, in Concession 1, as shown on the plans of the Town Plot and the Park Lots adjoining the Town of St. Mary's as surveyed by Alexander Vidal, P.L.S., dated October 1846 and of record in the Department of Lands and Forests, Ontario, and in front of Broken Section 2 and the East one-half of Broken Section 3, in the Township of Awenge, now in the City of Sault Ste. Marie and in front of the West one-half of Broken Section 3 and in front of Broken Section 10 in the said Township, in the District of Algoma, in the Province of Ontario and being more particularly described as follows:

COMMENCING at the intersection of the International Boundary between Canada and the United States of America with the production southerly of the eastern limit of Church Street;

THENCE northerly along the said production to the intersection thereof with the high water mark of the North bank of the St. Mary's River, the said intersection being distant 640 feet measured southerly along the said eastern limit of Church Street from the intersection thereof with the southern limit of Queen Street;

THENCE in a general northwesterly, westerly and southwesterly direction along the said high water mark to its intersection with the western boundary of said Broken Section 10, in the said Township, the said intersection being distant 480 feet measured southerly along the said boundary from the northwesterly angle of the said Section;

THENCE southerly along the production southerly of the said western boundary to the said International Boundary;

THENCE in a general easterly direction along the said International Boundary to the point of commencement.

SAVING AND EXCLUDING Dick Moores Island;

As shown outlined in green on Plan Number T1998 attached to this Schedule.

#### SOUTHAMPTON

ALL AND SINGULAR that certain parcel or tract of land and lands under the waters of Lake Huron and the Saugeen River, being a water lot lying adjacent to the Town of Southampton, in the County of Bruce, in the Province of Ontario and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the bearing of South 60 degrees 31 minutes East for the southwesterly limit of the Town of Southampton as shown on the plan of the Township of Saugeen;

COMMENCING at a point in the waters of Lake Huron, distant 2373.57 feet measured North 60 degrees 31 minutes West from the northwesterly angle of Lot 27 on the South side of Gosford Street, in the Town of Southampton;

THENCE South 29 degrees 29 minutes West, a distance of 2844.1 feet, more or less, to its intersection with the production westerly of the southern limit of High Street;

THENCE South 60 degrees 31 minutes East along the production westerly of the southern limit of High Street, a distance of 2350 feet, more or less, to its intersection with the high water mark of Lake Huron;

THENCE northerly along the high water mark of Lake Huron and easterly along the high water mark of the southerly bank of the Saugeen River to its intersection with the production northerly of the western limit of Victoria Street;

THENCE northerly along the production northerly of the said limit of Victoria Street to its intersection with the high water mark on the northerly bank of the Saugeen River;

THENCE westerly along the said high water mark of the northerly bank of the Saugeen River and northerly along the high water mark of Lake Huron to its intersection with a line drawn on a course of North 60 degrees 31 minutes West from the northwesterly angle of Lot 27 on the South side of Gosford Street;

THENCE North 60 degrees 31 minutes West, a distance of 2148.57 feet, more or less, to the point of commencement;

As shown outlined in green on Plan Number T1999 attached to this Schedule.

#### TORONTO

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of Toronto Harbour of Lake Ontario, being a water lot lying between the group of islands known as the Toronto Islands and the high water mark on the northern shore of Toronto Harbour as shown on a plan of survey of the said harbour being the Toronto Harbour Commissioners Plan No. 11341, dated March 1st, 1940, a copy of which plan is of record in the Department of Lands and Forests, Ontario, the said water lot now being in the City of Toronto, in the County of York and Province of Ontario, and including the water lots lying under the waters of the Ship Channel, the Turning Basin and that part of Keating Channel lying south of the southern limit of Keating Street, as shown on a plan of subdivision registered in the Registry Office for the Registry Division of Toronto East as Plan No. 159E, the Western Gap and the Eastern Gap, as the same are shown on the above mentioned Commissioners Plan, and including the water lots lying under the waters of the Western Entrance and the Eastern Entrance to Toronto Harbour, the outer limits of the said entrances being more particularly described as follows:

PREMISING that the co-ordinates hereinafter mentioned are referred to the Rectangular Co-ordinate System for Toronto Harbour as established by the Department of Mines and Technical Surveys, Hydrographic Surveys in 1938 and that all bearings herein are related to the meridian through the point of origin for the said co-ordinate system which point is 5002.1 feet South and 12654.8 feet West of Gibraltar Point Lighthouse.

FIRSTLY:—The Outer Limits of the Western Entrance.

COMMENCING at the southwest corner of the first section of the North concrete breakwater leading from the Western Entrance to the Western Gap (Co-ordinates N. 11522.52; E. 7591.53);

THENCE South 53 degrees 23 minutes 45 seconds West, a distance of 2000 feet (Co-ordinates N. 10329.95; E. 5985.98);



THENCE South 36 degrees 36 minutes 15 seconds East, a distance of 1650 feet (Co-ordinates N. 9005.38; E. 6969.85);

THENCE North 53 degrees 23 minutes 45 seconds East to the high water mark of the West shore of Centre Island;

THENCE northwesterly along the said high water mark to the southeastern face of the southeasterly concrete breakwater leading to the said Western Gap.

SECONDLY:—The Outer Limits of the Eastern Entrance.

COMMENCING at the intersection of the natural high water mark on the southern shore of Wards Island with the southwestern face of the southwesterly concrete pier forming the Eastern Gap;

THENCE southwesterly along the said high water mark, a distance of 500 feet, more or less, to the intersection thereof with a line drawn North 39 degrees 54 minutes 45 seconds West from Co-ordinates N. 10043.12; E. 22555.22;

THENCE South 39 degrees 54 minutes 45 seconds East, a distance of 1800 feet, more or less, to Co-ordinates N. 10043.12; E. 22555.22;

THENCE North 50 degrees 5 minutes 15 seconds East, a distance of 1300 feet (Co-ordinates N. 10877.22; E. 23552.35);

THENCE North 39 degrees 54 minutes 45 seconds West to the natural high water mark of Lake Ontario;

THENCE southwesterly along the said natural high water mark to the northeastern face of the northeasterly concrete pier forming the Eastern Gap;

As shown outlined in green on Plan Number T1467 attached to this Schedule.

#### WHITBY

ALL AND SINGULAR that certain parcel or tract of land lying under the waters of Lake Ontario, being a water lot lying in front of Lots 25, 26, 27 and 28, in the Broken Front Concession, in the Township of Whitby, in the County of Ontario, in the Province of Ontario, and being more particularly described as follows:

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the eastern boundary of Lot 25, in the Broken Front Concession, in the Township of Whitby, as having a bearing of North 16 degrees 58 minutes West;

COMMENCING at the intersection of the high water mark of Lake Ontario with the eastern boundary of said Lot 25, in the Broken Front Concession, the said intersection being distant 5791 feet measured South 16 degrees 58 minutes East along the said boundary from the northeasterly angle of said Lot 25;

THENCE South 16 degrees 58 minutes East, a distance of 4200 feet;

THENCE West a distance of 5609.65 feet, more or less, to the intersection thereof with the production southerly of the western boundary of Lot 28, in the Broken Front Concession;

THENCE North 16 degrees 55 minutes 50 seconds West along the said production southerly of the said boundary, a distance of 3960 feet, more or less, to the high water mark of Lake Ontario, the said high water mark being distant 4356 feet measured South 16 degrees 55 minutes 50 seconds West along the said western boundary of Lot 28 from the northwesterly angle of the said Lot;

THENCE easterly following in and along the high water mark of Lake Ontario to the point of commencement;

As shown outlined in green on Plan Number T1468 attached to this Schedule.

#### WINDSOR

ALL AND SINGULAR that certain parcel or tract of land and land lying under the waters of the Detroit River, being a water lot lying in front of Lots 86 to 111 both inclusive, in Concession 1 (McNiff's Survey), in the Township of Sandwich East and in front of Lots 58 and 59 and Lots 63 to 85 both inclusive, in Concession 1 (McNiff's Survey), in the Township of Sandwich West, and in front of the Town of Sandwich, as shown on a plan of the said Town, and of record in the Department of Lands and Forests, Ontario, the said Lots and the Town of Sandwich now being in the City of Windsor, in the County of Essex and Province of Ontario, the said water lot being more particularly described as follows:

COMMENCING at a point in the waters of the Detroit River, being the intersection of the International Boundary with the production northerly of the eastern boundary of Lot 111, in Concession 1 (McNiff's Survey) in the Township of Sandwich East;

THENCE southerly along that production to the high water mark of the South bank of the Detroit River;

THENCE in a general westerly direction along the high water mark of the South bank of the Detroit River to the intersection thereof with the southern boundary of Lot 58, in Concession 1, in the Township of Sandwich West;

THENCE westerly along the production westerly of the southern boundary of said Lot 58 to the intersection thereof with the International Boundary;

THENCE easterly along the International Boundary to the point of commencement;

As shown outlined in green on Plan Number T1469 attached to this Schedule.

*Schedule B*

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF CANADA

Secretary of State Reference Number	Name of Grantee	Place	Date
Lib. 411, Fol. 116 31 January 1944	Marlhill Mines Limited.....	Deseronto	25 Nov. 1943
Lib. 327, Fol. 163 28 May 1929	The Bole Grain Co. Ltd.....	Fort William	18 May 1929
Lib. 302, Fol. 365 27 May 1927	N. M. Patterson & Co. Ltd.....	Fort William	23 May 1927
Lib. 194, Fol. 591 9 Dec. 1912	James Purvis.....	Gore Bay	23 Nov. 1912
Lib. 158, Fol. 253 23 May 1900	Canada Iron Furnace Co.....	Midland	1 May 1900
Lib. 301, Fol. 276 24 Nov. 1926	The Great Lakes Transportation Co. Ltd.....	Midland	16 Nov. 1926
Lib. 158, Fol. 400 10 June 1902	Charles Edward Gudewill.....	Midland	26 May 1902
Lib. 157, Fol. 513 14 Dec. 1903	James Playfair.....	Midland	28 Nov. 1903
Lib. 158, Fol. 484 22 Dec. 1903	David S. Pratt.....	Midland	2 Dec. 1903
Lib. 243, Fol. 169 6 March 1917	Toronto, Hamilton & Buffalo Railway Co.....	Port Maitland	5 Mar. 1917
Lib. 243, Fol. 18 26 April 1915	Canadian Pacific Railway Co.....	Parry Sound	21 April 1915
Lib. 159, Fol. 534 14 May 1906	Conger Lumber Co.....	Parry Sound	28 April 1906
Lib. 192, Fol. 165 22 Jan. 1909	John Galna & Robert William Danter.....	Parry Sound	26 Jan. 1909
Lib. 159, Fol. 145 30 March 1900	John McClelland.....	Parry Sound	28 Mar. 1900
Lib. 216, Fol. 555 16 Feb. 1916	George Neibergall & William Neibergall.....	Parry Sound	10 Feb. 1916
Lib. 413, Fol. 460 28 Sept. 1944	Lorne S. Falls.....	Riverside	28 Sept. 1944
Lib. 213, Fol. 91 11 July 1911	Georgian Bay & Seaboard Railway.....	Victoria Harbour	11 July 1911
Lib. 159, Fol. 594 Jan. 1907	Georgian Bay & Seaboard Railway.....	Victoria Harbour	16 Jan. 1907
Lib. 192, Fol. 293 14 June 1910	Corporation of the Town of Wiarton.....	Warton	8 June 1910
Lib. 194, Fol. 79 5 Nov. 1908	Elijah M. Miers.....	Warton	2 Nov. 1908
Lib. 157, Fol. 333 Aug. 1900	Jacob Charles Siemon, John L. Siemon, Andrew Siemon & Daniel McIntyre.....	Warton	23 Aug. 1900
Lib. 214, Fol. 152 22 Oct. 1912	Elizabeth Tyson.....	Warton	24 June 1912
Lib. 157, Fol. 516 22 Dec. 1903	Warton Beet Sugar Co. Ltd. & The Grand Trunk Railway of Canada.....	Warton	16 Nov. 1903

The grants and quit claims in this Schedule are on record in the Department of the Secretary of State at Ottawa.



## Schedule C

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>AMHERSTBURG</b>			
50158 C.L.S.	John Sale.....	31 Oct. 1901	2.5 acres
51754 C.L.S.	John Parks.....	15 Feb. 1905	5.8 acres
58491 C.L.S.	Sarah Jane Emily Elliott.....	9 Sept. 1913	5.55 acres
47803 C.L.S.	Griffith J. Colborne.....	13 Dec. 1894	2.46 acres
51238 C.L.S.	John Anderson.....	25 Feb. 1904	0.19 acre
51243 C.L.S.	Nancy C. Levergood.....	25 Feb. 1904	0.25 acre
48756 C.L.S.	Perry Barclay Leighton.....	8 Dec. 1897	0.82 acre
51292 C.L.S.	Alexander Pirie.....	24 Mar. 1904	0.36 acre
48675 C.L.S.	Frank C. Robbins.....	13 Aug. 1897	0.34 acre
58410 C.L.S.	The Detroit and Windsor Ferry Co.....	8 Aug. 1913	76.5 acres
58409 C.L.S.	William Menzies.....	8 Aug. 1913	3.83 acres
90148 C.L.S.	Orval Leland Duncanson.....	8 Dec. 1937	13.60 acres
83488 C.L.S.	Charles Bissell Johnson.....	17 Mar. 1932	6,750 sq. ft.
49619 C.L.S.	O'Brien Atkinson.....	20 April 1900	3.59 acres
56745 C.L.S.	Marguerite C. Wilcox Price.....	18 Sept. 1911	1.00 acre
56746 C.L.S.	Harriet C. Oliver.....	18 Sept. 1911	0.85 acre
<b>BROCKVILLE</b>			
47133 C.L.S.	Anna Maria Cooke.....	21 Nov. 1892	18,650 sq. ft.
51217 C.L.S.	Henry Tolford Murray.....	20 Jan. 1904	24,500 sq. ft.
34324 C.L.S.	James Hall.....	3 July 1871	1 Rood 30 sq. rods
47425 C.L.S.	John L. Upham.....	30 Oct. 1893	0.14 acre
38219 C.L.S.	James William Brereton Rivers.....	12 May 1874	0.5 acre
46736 C.S.L.	Catherine Hayes.....	18 Mar. 1891	23,560 sq. ft.
49371 C.L.S.	Samuel Armour & Etta Armour.....	17 July 1899	11,200 sq. ft.
40865 C.L.S.	William McCullough.....	20 Feb. 1877	12,000 sq. ft.
40872 C.L.S.	Josephine Comstock & Sally Gates Booth.....	22 Feb. 1877	12,500 sq. ft.
88854 C.L.S.	The Laing Produce & Storage Co. Ltd.....	23 Nov. 1936	8,031 sq. ft.
47828 C.L.S.	George Edward Shields.....	4 Jan. 1895	9,600 sq. ft.
36601 C.L.S.	Alphonso Brooks.....	3 May 1873	10,162 sq. ft.
37291 C.L.S.	Richard Farmer Steele.....	20 Nov. 1873	12,000 sq. ft.
36603 C.L.S.	Ellen McSween.....	3 May 1873	17,835 sq. ft.
36602 C.L.S.	George Easton.....	3 May 1873	15,472 sq. ft.
58760 C.L.S.	Charles Wesley McLean.....	30 Jan. 1914	1.2 acres
63749 C.L.S.	Wilson Sheridau.....	22 July 1918	0.07 acre
55675 C.L.S.	George Beecher, Jr.....	21 July 1910	0.25 acre
45337 C.L.S.	George Augustus Dana.....	6 May 1886	25,800 sq. ft.
45338 C.L.S.	Albert John Dana.....	6 May 1886	37,900 sq. ft.
35690 C.L.S.	Robert Shepherd.....	31 Oct. 1872	3.25 acres
44667 C.L.S.	Alexander G. McCrady & Charles H. McCrady.....	19 June 1884	21,000 sq. ft.
49869 C.L.S.	The Corporation of the Town of Brockville.....	21 Jan. 1901	35,209 sq. ft.
44278 C.L.S.	Aurinda Beecher.....	3 July 1883	25,280 sq. ft.
44277 C.L.S.	William Gilmour.....	3 July 1883	23,850 sq. ft.
40791 C.L.S.	Elswood Smart, Albert Smart & Benjamin C. Sheppard.....	1 Feb. 1877	2 Roods } 180 sq.ft. 19 Perches }
35716 C.L.S.	James Smart.....	26 Nov. 1872	3 Roods 27 Perches
58818 C.L.S.	The Central Canada Coal Co.....	21 Mar. 1914	15,444 sq. ft.
56682 C.L.S.	The James Smart Manufacturing Co. Ltd.....	4 Aug. 1911	24,622 sq. ft.
46540 C.L.S.	William Reid Gardner.....	18 Sept. 1890	15,110 sq. ft.
46528 C.L.S.	The James Smart Manufacturing Co. Ltd.....	19 Sept. 1890	14,250 sq. ft.
45043 C.L.S.	The James Smart Manufacturing Co. Ltd.....	29 June 1885	54,570 sq. ft.
10647 C.L.S.	Margaret Buell & Martha Ann Buell or Findlay.....	17 Mar. 1885	56,245 sq. ft.
47816 C.L.S.	Mary Connolly.....	27 Dec. 1894	24,500 sq. ft.
46441 C.L.S.	Edwin Perkins Comstock Et al.....	17 Feb. 1890	67,000 sq. ft.
<b>BELLEVILLE</b>			
44430 C.L.S.	The Corporation of the Town of Belleville, their successors assigns forever.....	24 Dec. 1883	38-60/100 acres
82694 C.L.S.	Canadian Northern Ontario Railway Co.....	15 May 1931	0.403 acre
82695	Campbelford, Lake Ontario and Western Railway Company.....	15 May 1931	1,380.5 sq. ft.
82716 C.L.S.	Canadian Northern Ontario Railway Co.....	15 May 1931	1,863.25 sq. ft.
41526 C.L.S.	Mary Jane Van Dusen, wife of Joseph G. Van Dusen.....	23 Jan. 1878	2-20/100 acres
<b>COLLINGWOOD</b>			
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	4/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	1-3/5 acres
38351 C.L.S.	George Buck, Andrew Neville, Thomas W. Fair.....	25 June 1874	3 acres
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	2/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood.....	8 July 1904	9/20 acre
44893 C.L.S.	Jessie Hamilton.....	29 Jan. 1885	1,050 sq. ft.
38974 C.L.S.	George Moberly & Charles Gamon.....	18 Dec. 1874	1/10 acre
45632 C.L.S.	Peter Paterson, Henry Colwell - William W. Colwell.....	5 April 1887	61/100 acre

## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>COLLINGWOOD</b>			
—Continued			
38973 C.L.S.	John Nettleton.....	18 Dec. 1874	19/100 acre
38953 C.L.S.	John Rowland.....	18 Dec. 1874	82/100 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1-1/2 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1/3 acre
47095 C.L.S.	The Grand Trunk Railway Company of Canada.....	24 Oct. 1892	44 acres
41955 C.L.S.	The Corporation of the Town of Collingwood	11 Oct. 1878	12-58/100 acres
42053 C.L.S.	Georgian Bay Lumber Co.....	24 Dec. 1878	8-92/100 acres
	Their Successors & Assigns		
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
51048 C.L.S.	Hiram Norman Truesdell.....	9 Oct. 1903	1-37/100 acres
45306 C.L.S.	David Fleming.....	22 April 1886	3-63/100 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	1/2 acre
49926 C.L.S.	John Wilson & James Brydon.....	25 Mar. 1901	3 acres
49927 C.L.S.	Corporation of the Town of Collingwood...	23 Mar. 1901	3 acres
49928 C.L.S.	The Collingwood Meat Company Ltd.....	22 Mar. 1901	14-1/2 acres
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
51363 C.L.S.	Corporation of the Town of Collingwood...	8 July 1904	3/5 acre
35265 C.L.S.	Lewis Moffat.....	18 July 1872	34-8/10 acres
<b>FORT WILLIAM</b>			
51140 C.L.S.	Alexander J. McComber.....	12 Nov. 1903	47.00 acres
55474 C.L.S.	Canadian Pacific Railway Co.....	28 April 1910	39.90 acres
56366 C.L.S.	Canadian Pacific Railway Co.....	27 Mar. 1911	1.60 acres
63702 P.L.S.	Canadian Pacific Railway Co.....	16 July 1918	21.50 acres
65976 C.L.S.	The Empire Elevator Co. Ltd.....	1 Mar. 1920	0.02 acre
58180 C.L.S.	The Fort William Terminal Railway and Bridge Company.....	24 April 1913	149.60 acres
55159 C.L.S.	Henry Thorpe Canniff.....	6 Dec. 1909	61.50 acres
52923 C.L.S.	John Thomas Horne.....	14 Dec. 1906	101.25 acres
55158 C.L.S.	Henry Thorpe Canniff.....	6 Dec. 1909	51.00 acres
53445 C.L.S.	Charles R. Dunsford.....	26 Sept. 1907	95.00 acres
58619 C.L.S.	Charles Henry Ritchie.....	19 Nov. 1913	106.00 acres
57519 C.L.S.	Minnie Macdward.....	11 July 1912	46.00 acres
54241 C.L.S.	Samuel Wellington Ray.....	18 Dec. 1908	19.50 acres
54284 C.L.S.	Joseph Kilgour.....	12 Jan. 1909	19.50 acres
49847 C.L.S.	The Canadian Pacific Railway.....	21 Jan. 1901	1.21 acres
<b>GANANOQUE</b>			
51011 C.L.S.	The Corporation Town of Gananoque.....	5 Sept. 1903	3.00 acres
<b>KINGSTON</b>			
64399 C.L.S.	Alice F. Richardson, Robert G. Richardson & James A. Richardson.....	18 Feb. 1919	2.96 acres
79060 C.L.S.	Thomas Alexander McGinnis.....	29 Oct. 1928	17,500 sq. ft.
49852 C.L.S.	Jessie Primrose Dawson.....	3 Jan. 1901	2 acres
44790 C.L.S.	Isaac Simpson.....	2 Oct. 1884	1/2 acre
35759 C.L.S.	Mary Maloney, Wife of John Maloney, General Dealer.....	12 Dec. 1872	13,500 acres
<b>KINGSVILLE</b>			
47100 C.L.S.	Mettawas Summer Resort Co. Ltd.....	3 Nov. 1892	48.75 acres
58972 C.L.S.	Hugh Wilfred Leitch.....	28 May 1914	1.60 acres
<b>OWEN SOUND</b>			
46419 C.L.S.	James Edward Murphy.....	20 Jan. 1890	1-92/100 acres
46372 C.L.S.	James Edward Murphy.....	4 Nov. 1889	6-1/2 acres
50223 C.L.S.	Toronto Grey and Bruce Railway Company.	27 Dec. 1901	6-13/100 acres
35764 C.L.S.	Toronto Grey and Bruce Railway Company.	30 Nov. 1872	17 acres
47912 C.L.S.	Toronto Grey and Bruce Railway Company.	10 April 1895	21-42/100 acres
44860 C.L.S.	Toronto Grey and Bruce Railway Company.	2 Jan. 1885	8-30/100 acres
35765 C.L.S.	Toronto Grey and Bruce Railway Company.	30 Nov. 1872	18 acres
<b>PENETANGUISHENE</b>			
44141 C.L.S.	L. J. Breithaupt, John C. Breithaupt.....	11 May 1883	2.3 acres
42950 C.L.S.	Walter J. Keating.....	22 Jan. 1881	5.10 acres
42796 C.L.S.	Charles Beck.....	18 Sept. 1880	3.92 acres
42344 C.L.S.	Charles Beck.....	12 June 1879	2 acres
37400 C.L.S.	James S. McMurray.....	19 Dec. 1873	3-1/5 acres
38884 C.L.S.	J. S. McMurray, Charles Beck, Thomas R. Fuller.....	23 Nov. 1874	1.21 acres
36415 C.L.S.	J. S. McMurray.....	27 Mar. 1873	4.64 acres
38923 C.L.S.	Charles W. Robinson.....	14 Jan. 1875	1.5 acres
37715 C.L.S.	Louisa Anne Darling.....	16 Mar. 1874	63,200 sq. lk.
41685 C.L.S.	North Simcoe Railway Company.....	1 April 1878	52 acres
55505 C.L.S.	Charles Jules Picotte.....	5 May 1910	38 acres
59463 C.L.S.	Hermenegilde Picotte.....	22 Feb. 1915	4.7 acres



## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>PORT ARTHUR</b>			
52988 C.L.S.	Corporation of the Town of Port Arthur...	15 Jan. 1907	273 acres
44213 C.L.S.	Andrew Allen, Jackson Rae, Thomas D. Millburne, Alfred H. White, Donald A. Smith, George Stephen, George Alexander Drummond, Francis Stephen, Thomas Reynolds & Edmund Reynolds...	30 May 1883	77 acres
93012 C.L.S.	Port Arthur Ship Building Co. Ltd.	3 Mar. 1943	0.44 acre
65490 C.L.S.	United Grain Growers Ltd.	12 Nov. 1919	12.16 acres
64397 C.L.S.	Saskatchewan Co-operative Elevator Company Ltd.	17 Feb. 1919	10.26 acres
84753 C.L.S.	James Richardson & Sons Ltd.	31 Mar. 1933	8.41 acres
48242 C.L.S.	The Canadian Pacific Railway Co.	15 April 1896	1.32 acres
73180 C.L.S.	The Canadian Pacific Railway Co.	28 Nov. 1924	0.56 acre
43138 C.L.S.	Christina McVicar	16 June 1881	73 acres
44685 C.L.S.	The Canadian Pacific Railway	24 July 1884	2.38 acres
44684 C.L.S.	The Canadian Pacific Railway	23 July 1884	0.82 acre
44183 C.L.S.	Frank Stayner Nugent	2 May 1883	3.652 acres
44318 C.L.S.	Alexander Lord Russell	6 Aug. 1883	1.8 acres
44683 C.L.S.	The Canadian Pacific Railway	23 July 1884	1.85 acres
44682 C.L.S.	The Canadian Pacific Railway	23 July 1884	0.94 acre
43770 C.L.S.	William Henry Laird	12 Oct. 1882	3.88 acres
43797 C.L.S.	John Catto	5 Oct. 1882	3.92 acres
44681 C.L.S.	The Canadian Pacific Railway	23 July 1884	1.95 acres
43846 C.L.S.	The Hon. James Cox Aikens	13 Nov. 1882	3.89 acres
44253 C.L.S.	The Hon. Croydon Partlow Brown	11 June 1883	3.86 acres
44680 C.L.S.	The Canadian Pacific Railway	22 July 1884	0.95 acre
43726 C.L.S.	William Henry Laird	14 Sept. 1882	3.85 acres
44194 C.L.S.	George I. Marks	4 June 1883	3.80 acres
44679 C.L.S.	The Canadian Pacific Railway	22 July 1884	1.84 acres
44678 C.L.S.	The Canadian Pacific Railway	21 July 1884	2.60 acres
43835 C.L.S.	Daniel F. Burk	31 Oct. 1882	6.94 acres
44677 C.L.S.	The Canadian Pacific Railway	19 July 1884	9.23 acres
44676 C.L.S.	The Canadian Pacific Railway	18 July 1884	1.60 acres
49821 C.L.S.	William Mackenzie, Donald D. Mann, & Roderick J. Mackenzie	3 Dec. 1900	1.25 acres
38819 C.L.S.	Noah Barnhart	13 Nov. 1874	1.50 acres
43790 C.L.S.	The Elevator "A" Shuniah Dock and Forwarding Co. Ltd.	17 Oct. 1882	4.18 acres
43822 C.L.S.	Simon James Dawson	18 Oct. 1882	2.36 acres
44198 C.L.S.	Samuel Wellington Ray	1 June 1883	2.00 acres
43801 C.L.S.	George Allan Brown	24 Oct. 1882	1.16 acres
44200 C.L.S.	John Cann Hasking	29 May 1883	1.39 acres
44317 C.L.S.	Louis Ulrich Bonin	7 Aug. 1883	2.13 acres
43727 C.L.S.	George Clavet	26 Aug. 1882	1.55 acres
44196 C.L.S.	Margaret Ross	15 May 1883	1.55 acres
44405 C.L.S.	Donald Campbell	7 Dec. 1883	0.78 acre
44201 C.L.S.	Wilnot Horton Davis	4 June 1883	0.78 acre
43768 C.L.S.	The Lake Superior Dock Forwarding and Elevator Co.	7 Sept. 1882	16.50 acres
44094 C.L.S.	The Thunder Bay Forwarding and Elevator Co.	19 Mar. 1883	42.50 acres
44976 C.L.S.	James Conmee	2 April 1885	37 acres
40351 C.L.S.	Henry O'Brien	7 July 1876	95.20 acres
43645 C.L.S.	George Mountain Evans & John Gunn Robinson	3 July 1882	192.80 acres
43918 C.L.S.	James Watson	27 Dec. 1882	81.00 acres
44622 C.L.S.	Henry Lloyd Lyon and James Stuart Lyon	13 Nov. 1890	120.00 acres
44437 C.L.S.	Henry Lloyd Lyon	5 Jan. 1884	45.00 acres
<b>PRESCOTT</b>			
48180 C.L.S.	John Philip Wiser	17 Jan. 1896	2.02 acres
48179 C.L.S.	John Philip Wiser	16 Jan. 1896	1.08 acres
39350 C.L.S.	John Buckley	10 April 1875	29,930 sq. ft.
39358 C.L.S.	John Buckley and James Buckley	10 April 1875	15,425 sq. ft.
44702 C.L.S.	James Buckley	16 July 1884	26,990 sq. ft.
48365 C.L.S.	The Prescott Elevator Co. Ltd.	3 Sept. 1896	20,460 sq. ft.
32764 C.L.S.	Lewis Walsh	13 Sept. 1869	13,200 sq. ft.
56801 C.L.S.	Canadian Pacific Railway Company	7 Oct. 1911	9 acres
56189 C.L.S.	Canadian Pacific Railway Company	20 Jan. 1911	17.5 acres
41075 C.L.S.	Samuel Miles Coons	22 May 1877	86,700 sq. ft.
48308 C.L.S.	Harry Horwood	20 May 1896	108,000 sq. ft.
58671 C.L.S.	Edward Donald	12 Jan. 1914	25.6 acres
<b>SARNIA</b>			
49599 C.L.S.	The Corporation of the Town of Sarnia	16 May 1900	0.63 acre
44406 C.L.S.	James S. Loughhead	7 Dec. 1883	13,440 sq. ft.
44211 C.L.S.	Raymond A. Baby	17 May 1883	4,000 sq. ft.
69805 C.L.S.	Port Huron and Sarnia Ferry Company	13 Oct. 1925	1/8 acre
76917 C.L.S.	Port Huron and Sarnia Ferry Company	25 June 1927	6,030 sq. ft.

## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>SARNIA</b>			
—Continued			
32088 C.L.S.	John R. Gimmell.....	8 Mar. 1869	11,900 sq. lks.
32089 C.L.S.	William B. Clark.....	8 Mar. 1869	11,900 sq. lks.
37054 C.L.S.	Charles James Morris.....	9 Sept. 1873	7,260 sq. ft.
37543 C.L.S.	Colonial Trusts Corp.....	23 Jan. 1874	1.6 acres
50156 C.L.S.	Liberty Dean Holden.....	19 Oct. 1901	3 acres
36808 C.L.S.	John Dandy.....	25 June 1873	4 acres
40435 C.L.S.	Henry James Slocum.....	18 Aug. 1876	4.5 acres
31958 C.L.S.	Lovina Slocum.....	30 Jan. 1869	4 acres
41188 C.L.S.	John Humphrey Jones.....	19 July 1877	101 acres
<b>SAULT STE. MARIE</b>			
58679 C.L.S.	The Algoma Steel Corp. Ltd.....	3 Dec. 1913	230.0 acres
53311 C.L.S.	The Lake Superior Power Co.....	8 June 1907	H = 76.39 acres M = 16.46 acres N = 35.49 acres
53309 C.L.S.	The Algoma Commercial Co. Ltd.....	8 June 1907	I = 41.50 acres J = 21.06 acres
53310 C.L.S.	The Algoma Steel Co. Ltd.....	8 June 1907	K = 47.40 acres L = 10.13 acres
48273 C.L.S.	The Lake Superior Power Co.....	8 April 1896	28.09 acres
	The Dominion Government.....	12 Dec. 1906	50 acres
	The Dominion Government.....	20 Dec. 1901	57 acres
45897 C.L.S.	The Sault Ste. Marie Bridge Company.....	18 Feb. 1888	2.02 acres
47811 C.L.S.	The Corporation of the Town of Sault Ste. Marie.....	13 Dec. 1894	38 acres
41128 C.L.S.	John Laird and Jonathan Henderson.....	7 June 1877	12 acres
85325 C.L.S.	Great Lakes Power Co. Ltd.....	15 Nov. 1933	32/100 acre
47809 C.L.S.	The Ontario, Sault Ste. Marie Water, Light and Power Company.....	14 Dec. 1894	27 acres
	The Dominion Government.....	27 Dec. 1901	28.22 acres
	The Dominion Government.....	12 Dec. 1906	5 acres
56688 C.L.S.	The Algoma Central and Hudson Bay Railway Co.....	17 Aug. 1911	2.55 acres
45790 C.L.S.	John Richards.....	1 Oct. 1887	1.3 acres
49770 C.L.S.	Joseph Cozens.....	17 Sept. 1900	1 acre
46004½ C.L.S.	Joseph Cozens.....	14 June 1888	1 acre
46004 C.L.S.	Joseph Cozens.....	14 June 1888	1.6 acres
45959 C.L.S.	Charles Ripley.....	27 April 1888	1¼ acres
46003 C.L.S.	William Henry Plummer.....	14 June 1888	3-5/10 acres
46019 C.L.S.	Thomas A. Reynolds.....	12 July 1888	3 acres
45874 C.L.S.	Lucy Richards.....	31 Jan. 1888	1½ acres
45726 C.L.S.	John Macpherson Hamilton.....	13 June 1887	1.5 acres
46005 C.L.S.	William Henry Plummer.....	14 June 1888	1-6/10 acres
46343 C.L.S.	David J. Millar.....	9 Oct. 1889	1-6/10 acres
45964 C.L.S.	Willet Francis Ferris.....	7 May 1888	3 acres
51014 C.L.S.	The Algoma Commercial Co. Ltd.....	5 Oct. 1903	4/10 acre
45705 C.L.S.	Joseph Wilson.....	9 June 1887	3½ acres
58334 C.L.S.	The Algoma Central Terminals Ltd.....	7 Aug. 1913	16.86 acres
45487 C.L.S.	James Manning.....	28 Sept. 1886	3½ acres
40595 C.L.S.	The Hon. Walter McCrea.....	13 Nov. 1876	4-1/3 acres
57351 C.L.S.	The Algoma Central and Hudson Bay Railway Co.....	3 May 1912	1-1/3 acres
45931 C.L.S.	Charles Ripley.....	22 Mar. 1888	2 acres
45963 C.L.S.	William Henry Plummer.....	2 May 1888	2 acres
51002 C.L.S.	Adam Brown MacKay.....	18 Sept. 1903	1 acre
48620 C.L.S.	Florence Henrietta Farwell.....	6 July 1897	10 acres
57004 C.L.S.	Corporation of the Town of Sault Ste. Marie	27 Dec. 1911	2.51 acres
58715 C.L.S.	Soo Falls Brewing Co. Ltd.....	29 Dec. 1913	0.65 acre
57756 C.L.S.	The Sims Lumber Co. of Sault Ste. Marie Ltd.....	14 Oct. 1912	1.62 acres
48895 C.L.S.	Robert D. Perry.....	9 May 1898	1 acre
45996 C.L.S.	Henry Wood.....	4 June 1888	3 acres
46002 C.L.S.	Raymond Miron.....	15 June 1888	3.38 acres
58742 C.L.S.	The Corporation of the City of Sault Ste. Marie.....	15 Jan. 1914	5.5 acres
45997 C.L.S.	John James Kehoe.....	4 June 1888	2 acres
49905 C.L.S.	John M. Stephens.....	1 Mar. 1901	2 acres
44741 C.L.S.	Edward Sayer.....	13 Aug. 1884	5 acres
59685 C.L.S.	Joseph Ganley.....	2 June 1915	0.36 acre
50895 C.L.S.	The International Transit Company.....	12 June 1903	1.27 acres
59500 C.L.S.	The McPhail & Wright Construction Co. Ltd.....	23 Mar. 1915	1/8 acre
59249 C.L.S.	Isaac James Downey.....	19 Oct. 1914	0.24 acre
59141 C.L.S.	Sarah Ann Toombs.....	12 Aug. 1914	0.1 acre
59873 C.L.S.	John A. Shannon.....	10 Nov. 1915	.07 acre
55963 C.L.S.	The Sault Ste. Marie Coal and Wood Co. Ltd.....	21 Oct. 1910	1.53 acres
48594 C.L.S.	William Henry Plummer.....	18 Feb. 1888	1/6 acre
50557 C.L.S.	George Gilmore Farwell.....	14 Oct. 1902	0.14 acre



## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>SAULT STE. MARIE</b>			
—Continued			
38845 C.L.S.	Joachim Biron.....	16 Nov. 1874	5 acres
38752 C.L.S.	James A. Gouin.....	7 Oct. 1874	3¼ acres
45741 C.L.S.	Etienne Jollineau.....	4 July 1887	4 acres
44362 C.L.S.	Victory Atkins.....	19 Sept. 1883	1.1 acres
21744 R.J.	Roman Catholic Church c/o Rev. John Francis Jamot.....	3 April 1880	1 acre
42112 C.L.S.	Richard Carney.....	25 Jan. 1879	2¼ acres
44357 C.L.S.	William Orlando Luscombe.....	14 Sept. 1883	1.73 acres
43250 C.L.S.	James Gardner.....	15 Oct. 1881	2-4/5 acres
58837 C.L.S.	The Corporation of the City of Sault Ste. Marie.....	31 Mar. 1914	4.36 acres
44631 C.L.S.	Jane McRae, Isabella Cameron, Margaret Cameron and Clementina Cameron.....	11 June 1884	1.70 acres
39733 C.L.S.	James Phipps and Edward Herrick.....	9 Oct. 1875	.77 acre
45986 C.L.S.	Henry Penno.....	29 May 1888	1.5 acres
47867 C.L.S.	Sault Ste. Marie Bridge Co.....	2 Mar. 1895	¾ acre
<b>TORONTO</b>			
47586 C.L.S.	The Corp. of the City of Toronto.....	19 April 1894	6.47 acres
48762 C.L.S.	The Corp. of the City of Toronto.....	15 Dec. 1897	345.0 acres
21747 R.J.	The Corp. of the City of Toronto.....	18 May 1880	1,385.0 acres
<b>WHITBY</b>			
52191 C.L.S.	The Port Whitby Harbour Company.....	4 Dec. 1905	1.91 acres
52192 C.L.S.	The Corporation of the Town of Whitby.....	4 Dec. 1905	6.15 acres
52150 C.L.S.	Lawrence Heyden.....	4 Nov. 1905	1.8 acres
49653 C.L.S.	Lawrence Heyden.....	17 May 1900	13.58 acres
<b>WINDSOR</b>			
102098 C.L.S.	H.E.P.C. of Ontario.....	8 Mar. 1950	2.213 acres
40102 C.L.S.	James C. Patterson.....	14 Mar. 1876	1 acre 3 roods
45309 C.L.S.	George Buchanan The Younger.....	27 April 1886	11 acres 3 roods 36 perches
57309 C.L.S.	The Bank of Toronto.....	11 April 1912	2.10 acres
58339 C.L.S.	The Pittsburgh Coal Co.....	17 July 1913	2.20 acres
50867 C.L.S.	Reinhardt Gluns.....	21 May 1903	1.00 acre
44529 C.L.S.	Arthur Keith Stewart & MacAlpine Robertson.....	12 Mar. 1884	4 acres 4¾ perches
44528 C.L.S.	Arthur Keith Stewart & MacAlpine Robertson.....	13 Mar. 1884	7 acres 9¾ perches
50667 C.L.S.	William C. Weber.....	8 Dec. 1902	6.84 acres
105940 C.L.S.	The Corp. of the City of Windsor.....	18 Mar. 1952	1.388 acres
88397 C.L.S.	Confed. Coal and Coke Ltd.....	6 July 1936	3.84 acres
91427 C.L.S.	Empire Coal Co. Ltd.....	2 Feb. 1940	2.47 acres
57726 C.L.S.	William Phillips.....	3 Oct. 1912	2.30 acres
77489 C.L.S.	Cadwells Ltd.....	1 Nov. 1927	0.129 acre
47468 C.L.S.	Mary J. Lambert.....	3 Jan. 1894	2.14 acres
91823 C.L.S.	Concoal Sales Co. of Canada Ltd.....	7 Nov. 1940	0.02 acre
84977 C.L.S.	John Henry Rodd.....	20 July 1933	3.62 acres
51391 C.L.S.	John G. Watson.....	27 June 1904	2.77 acres
52205 C.L.S.	George W. Mason.....	6 Dec. 1905	0.21 acre
76988 C.L.S.	Toronto General Trusts Corp.....	11 July 1927	0.92 acre
114997 C.L.S.	Ryan Builders Supplies Ltd.....	29 Jan. 1957	0.126 acre
102601 C.L.S.	Ryan Contracting Co. Ltd.....	18 July 1950	1.687 acres
104009 C.L.S.	Ryan Contracting Co. Ltd.....	16 Mar. 1951	3.097 acres
82692 C.L.S.	Samuel P. West & Ada C. West.....	26 May 1931	8,868 sq. ft.
76066 C.L.S.	Samuel P. West.....	12 Nov. 1926	3,882 sq. ft.
37634	John B. Gauthier.....	5 Feb. 1874	2.75 acres
49737 C.L.S.	The R.C. Episcopal Corp. Diocese of London	1 Aug. 1900	3.70 acres
35017 C.L.S.	Mary McKinstry.....	6 April 1872	1 acre 65,984 sq. lks.
34738 C.L.S.	George Parent.....	26 Jan. 1872	1.285 acres
44275 C.L.S.	Incorporated Synod Dioc. of Huron.....	5 July 1883	21,948 sq. links
46269 C.L.S.	Arthur Rankin.....	31 May 1889	0.436 acre
38267 C.L.S.	R. L. MacGregor.....	16 May 1874	0.46 acre
95122 C.L.S.	The Canada Southern Rlwy. Co.....	14 April 1945	3.61 acres
30699 ¼ C.L.S.	Luc Ouillette.....	29 Jan. 1868	0.50 acre
43813 C.L.S.	Alex Cameron, Francis Cleary and John Curry.....	3 Oct. 1882	0.73 acre
53010 C.L.S.	Detroit River Tunnel Co.....	18 Jan. 1907	2.10 acres
42533 C.L.S.	Charles L. Potter.....	4 Feb. 1880	0.22 acre
46280 C.L.S.	Robert Meighen.....	12 June 1889	0.98 acre
76456 C.L.S.	Ontario and Quebec Rlwy. Co.....	5 Mar. 1927	0.15 acre
45427 C.L.S.	John F. Bell Et Al.....	21 July 1886	1 Rood 22 Perches
71279 C.L.S.	Ontario and Quebec Rlwy. Co.....	23 Aug. 1923	0.21 acre
39087 C.L.S.	Robert Rae.....	14 Jan. 1875	1 Rood 35 Perches



## Schedule C—Continued

## GRANTS AND QUIT CLAIMS BY HER MAJESTY IN THE RIGHT OF ONTARIO

Reference Number	Name of Patentee	Date	Area
<b>WINDSOR—Cont.</b>			
50929 C.L.S.	The Canadian Pacific Rlwy. Co.....	13 July 1903	0.44 acre
46777 C.L.S.	John McGregor Sr., Donald McGregor, John McGregor Jr.....	29 April 1891	0.52 acre
47488 C.L.S.	The Grand Trunk Rly. Co. of Canada.....	20 Jan. 1894	0.545 acre
47739 C.L.S.	John Piggott.....	19 Sept. 1894	5,984 sq. ft.
75156 C.L.S.	Cross Builders Supply Co. Ltd.....	30 April 1926	0.10 acre
39030 C.L.S.	William Rolff and T. Schmidt.....	4 Jan. 1875	36,330 sq. ft.
47487 C.L.S.	The Grand Trunk Rlwy. Co. of Canada.....	22 Jan. 1894	1.11 acres
49106 C.L.S.	Chas. Bell Alex Crawford Estate.....	18 Oct. 1898	2,352 sq. ft.
43526 C.L.S.	Vital Ouillette.....	18 April 1882	14,880 sq. ft.
62101 C.L.S.	Detroit and Windsor Ferry Co.....	9 May 1917	1.07 acres
38323 C.L.S.	Anne E. Russell.....	13 June 1874	9,032 sq. ft.
38324 C.L.S.	Louis Davenport.....	13 June 1874	9,032 sq. ft.
2609	Detroit and Windsor Subway Co.....	31 Dec. 1957	3.92 acres
78066 C.L.S.	Canadian National Rlwy. Co.....	9 Mar. 1928	0.58 acre
94904 C.L.S.	Canadian National Rlwy. Co.....	31 Jan. 1945	2.29 acres
93652 C.L.S.	Hiram Walker and Sons Ltd.....	14 Oct. 1943	0.017 acre
74991 C.L.S.	Walkerville Land & Building Co. Ltd.....	9 Mar. 1926	0.07 acre
74990 C.L.S.	Hiram Walker and Sons Ltd.....	8 Mar. 1926	0.617 acre
37297 C.L.S.	Hiram Walker and Sons Ltd.....	22 Nov. 1873	5.25 acres
38714 C.L.S.	Luc Montreuil.....	7 Oct. 1874	2 ac. 1 Rood 37 Perches
73367 C.L.S.	Hiram Walker and Sons Ltd.....	7 Jan. 1925	0.22 acre
72260 C.L.S.	Merlo, Merlo & Ray Ltd.....	3 April 1924	0.097 acre
54820 C.L.S.	Albert T. Montreuil.....	2 Aug. 1909	0.38 acre
93570 C.L.S.	Ford Motor Co. of Canada Ltd.....	8 Sept. 1943	0.003 acre
75146 C.L.S.	Ford Motor Co. of Canada Ltd.....	23 April 1926	0.075 acre
60751 C.L.S.	Ford Motor Co. of Canada Ltd.....	21 July 1916	0.68 acre
56896 C.L.S.	Sarah H. L. Johnson.....	6 Dec. 1911	1.89 acres
56691 C.L.S.	Barney Maisenville.....	24 Aug. 1911	1.36 acres
40990 C.L.S.	Robert J. Orris and George W. Girdlestone.....	20 April 1877	1 acre 2 Roods 27 Perches
72038 C.L.S.	Ford Motor Co. of Canada Ltd.....	13 Feb. 1924	1.77 acres
51201 C.L.S.	Luce Drouillard.....	6 Jan. 1904	0.66 acre
45035 C.L.S.	F. X. Drouillard.....	22 June 1885	2.186 acres
39328 C.L.S.	George Bell.....	12 Mar. 1875	1-1/3 acres
37646 C.L.S.	Hiram Walker.....	14 Feb. 1874	1.50 acres
35120 C.L.S.	William F. Rely.....	7 Mar. 1872	2 Roods 25 Perches
35119 C.L.S.	Piere Langlois.....	7 May 1872	2 Roods 25 Perches
46356 C.L.S.	W. J. Partridge.....	14 Oct. 1889	1.46 acres
90957 C.L.S.	Ford Motor Co. of Canada Ltd.....	17 April 1939	1.00 acre
62044 C.L.S.	Albert T. Montreuil.....	5 May 1917	0.27 acre
41806 C.L.S.	Archange M. Askin.....	6 June 1878	3.00 acres
108735 C.L.S.	The Corp. of the City of Windsor.....	28 Aug. 1953	2.35 acres
56464 C.L.S.	Frank J. Webber.....	5 May 1911	0.53 acre
57081 C.L.S.	Robert Henkel.....	27 Jan. 1912	0.55 acre
54174 C.L.S.	Henrietta E. Westcott.....	23 Nov. 1908	0.56 acre
56862 C.L.S.	Helen N. Hoyt.....	23 Nov. 1911	0.58 acre
44298 C.L.S.	Archange Parent.....	27 July 1883	2.434 acres
44279 C.L.S.	Robert Barr.....	10 July 1883	0.83 acre
44960 C.L.S.	Noah Parent.....	20 Mar. 1885	4.00 acres
44916 C.L.S.	Benjamin Meloche.....	4 Mar. 1885	3.36 acres
41887 C.L.S.	Charles Janisse.....	13 Aug. 1878	2.39 acres
48177 C.L.S.	William G. Latimer.....	21 Jan. 1896	0.82 acre
56741 C.L.S.	Rosa Merbach.....	6 Sept. 1911	0.83 acre
58239 C.L.S.	M. L. Janisse.....	19 May 1913	1.97 acres
51570 C.L.S.	G. H. Bennett.....	11 Oct. 1904	0.91 acre
51878 C.L.S.	F. H. MacPherson.....	10 May 1905	0.90 acre
45851 C.L.S.	Adolphe Parent.....	7 Dec. 1887	2 acres 1 Rood 25 Perches
49452 C.L.S.	Charles Janisse.....	8 Dec. 1889	1.54 acres
42659 C.L.S.	William Armstrong.....	23 April 1880	2 Roods 17 1/2 Perches
55688 C.L.S.	T. W. McGregor.....	13 July 1910	2.71 acres

The grants and quit claims in this Schedule are on record in the Department of Lands and Forests at Toronto.





An Act to approve an Agreement between  
the Government of Canada and the Govern-  
ment of the Province of Ontario respecting  
Public Harbours

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*1st Reading*

December 6th, 1962

*2nd Reading*

February 6th, 1963

*3rd Reading*

April 26th, 1963

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MR. ROBERTS

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# **BILL 18**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Parks Assistance Act**

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**MR. ROBERTS**

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AMENDMENT TO THE ACT OF 1880  
RELATIVE TO THE LANDS OF THE  
INDIAN RESERVES

AND TO THE ACT OF 1881  
RELATIVE TO THE LANDS OF THE  
INDIAN RESERVES

EXPLANATORY NOTE

This amendment will make Indian bands eligible for grants to assist in the development of parks for public use on Indian reserves.

## BILL 18

1962-63

## An Act to amend The Parks Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Parks Assistance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 285, s. 1,  
amended

(ca) "municipality" includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act. R.S.C. 1952,  
c. 149

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Parks Assistance Amendment Act, 1962-63*. Short title

An Act to amend  
The Parks Assistance Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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# **BILL 18**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Parks Assistance Act**

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**MR. ROBERTS**

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BILL 18

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1. Section 1 of *The Parks Assistance Act* is amended by adding thereto the following clause: R.S.O. 1960,  
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(ca) "municipality" includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act. R.S.C. 1952,  
c. 149

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Parks Assistance Amendment Act, 1962-63*. Short title

An Act to amend  
The Parks Assistance Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

December 19th, 1962

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MR. ROBERTS

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# **BILL 19**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Lakes and Rivers Improvement Act**

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**MR. ROBERTS**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

THE STATE OF TEXAS,  
COUNTY OF DALLAS.

Know all men by these presents, that the undersigned, for and in behalf of the State of Texas, do hereby certify that the following is a true and correct copy of the original of the same as the same appears from the records of the Secretary of State of the State of Texas.

EXPLANATORY NOTES

SECTION 1. In order to save time and unnecessary expense, section 9 is re-enacted to provide that the location of a proposed dam must be approved before application may be made for approval of the plan and specifications.

BILL 19

1962-63

## An Act to amend The Lakes and Rivers Improvement Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Lakes and Rivers Improvement Act* is R.S.O. 1960,  
c. 203, s. 9,  
re-enacted repealed and the following substituted therefor:

9.—(1) No person shall construct a dam on any lake or Approvals river,

(a) until the location of the dam has been approved in writing by the Minister; and

(b) until the plan and specifications thereof have been approved in writing by the Minister.

(2) An application for approval of the location of a dam Application  
for approval  
of location shall be made in writing to the Minister and shall be accompanied by,

(a) a sketch showing the proposed location of the dam, the area to be flooded and the lands of persons other than the applicant that may be affected by the flooding;

(b) a statement showing the purpose, size and type of the dam, whether the dam will be of a temporary or permanent nature and the quantity of water, if any, to be taken from the headpond; and

(c) such other particulars as the Minister requires.

(3) Where it appears expedient in the public interest, Approval  
of dam the Minister may refuse to give his approval of the location of the dam.



Application  
for approval  
of plans, etc.

- (4) When the location of a dam has been approved by the Minister, an application for approval of the plan and specifications of the dam may be made in writing to the Minister and shall be accompanied by,

- (a) three copies of the plan and specifications and a report showing full details of the construction of the sluice-gates, spillways and other works connected with the dam and the height at which the water is to be held;
- (b) a map showing the location and size of the watershed above the dam, the extreme high water mark and the normal regulated water level;
- (c) particulars as to the nature of the bottom or foundation on which the dam is to be constructed with reports of all boring or test pits;
- (d) such other particulars as the Minister requires.

Approval  
of plans  
of dams

- (5) The Minister may approve the plan and specifications of a dam as submitted to him or may approve them with such alterations as he deems advisable, and, without limiting the generality of the foregoing, may require that the dam shall be provided with a fishway that will permit the free and unobstructed passage of fish.

Exception

- (6) Nothing in this section prevents or applies to the construction of an emergency dam where such construction is considered necessary for the prevention of loss or damage to property, but in such case the owner shall immediately give notice to the Minister that he is proceeding with the construction of the dam and shall thereafter comply with any directions of the Minister as to the precautions to be taken in maintaining the dam or its removal when the purpose for which it was constructed has been served.

Disputes as  
to user

- 9a.—(1) Where a dam is under construction or has been constructed on a lake or river and the location or the plan and specifications thereof have not been approved by the Minister or an emergency dam has been constructed and the owner thereof has not given notice to the Minister under section 9, the Minister may appoint an officer or officers with such powers and duties as are deemed expedient to be in charge of the lake or river or any works or improvements

The new section 9a is similar in principle to section 16 of the Act.

SECTION 2. Complementary to section 1 of this Bill.

SECTIONS 3 and 4. Self-explanatory.

thereon and to regulate the use of the lake or river or any works or improvements thereon in such manner as seems best calculated to afford to persons having conflicting interests on the lake or river a fair and reasonable use of the waters of the lake or river, but, where any alteration of the level of international boundary waters is involved, such regulation, powers and duties shall conform to any order or recommendation that the International Joint Commission may make under the terms and authority of the International Boundary Waters Treaty between Great Britain and the United States.

- (2) The Minister may order the owner of a dam under subsection 1 to repair, reconstruct or remove the dam within the time specified in the order and, upon non-compliance with the order within the time limited, the Minister may do or cause to be done whatever is necessary, and the cost of any such work, as certified by him, is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction. Order to remove, etc.

**2.** Subsection 1 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out "2" in the eighth line and inserting in lieu thereof "4", so that the subsection shall read as follows: R.S.O. 1960, c. 203, s. 11, subs. 1, amended

- (1) Where a dam has heretofore been or is hereafter constructed in a lake or river and an engineer or other officer of the Department reports that by reason of the construction or condition of the dam water may be held, released or diverted in sufficient volume to cause personal injury or damage to property, the Minister may require the owner of the dam to furnish within a given time the plans and other particulars mentioned in subsection 4 of section 9. Requiring production of plans on report of engineer

**3.** *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: R.S.O. 1960, c. 203, amended

- 22a. The Minister, an engineer and every officer, servant or agent of the Minister has the right, while in the performance of his duties under this Act, to enter into and upon any lands and premises, other than a private dwelling, store, storehouse, office or farm building. Right to enter on premises

**4.** Section 26 of *The Lakes and Rivers Improvement Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 203, s. 26, amended



Duty of  
persons  
driving  
timber

- (5) All persons floating timber down a lake or river shall keep the timber under control and shall recover and remove from the lake or river any timber that drifts out of control or causes an obstruction or hazard in the lake or river.

Obstruc-  
tions, etc.

- (6) Where the Minister deems it necessary or expedient in the public interest so to do, he may order the owner of or the person who was responsible for driving any timber that has drifted out of control or that has caused an obstruction or hazard in a lake or river to recover and remove the timber within the time specified in the order, and in default thereof the Minister may cause the timber to be recovered and removed, and the cost thereof, as certified by him, is a debt due to the Crown by such owner or person and is recoverable in any court of competent jurisdiction.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1962-63*.









An Act to amend  
The Lakes and Rivers Improvement Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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# **BILL 19**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Lakes and Rivers Improvement Act**

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**MR. ROBERTS**

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BILL 19

1962-63

## An Act to amend The Lakes and Rivers Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Lakes and Rivers Improvement Act* is <sup>R.S.O. 1960,</sup> repealed and the following substituted therefor: <sup>c. 203, s. 9,</sup> <sup>re-enacted</sup>

9.—(1) No person shall construct a dam on any lake or <sup>Approval</sup> river,

(a) until the location of the dam has been approved in writing by the Minister; and

(b) until the plan and specifications thereof have been approved in writing by the Minister.

(2) An application for approval of the location of a dam <sup>Application</sup> shall be made in writing to the Minister and shall be <sup>for approval</sup> accompanied by, <sup>of location</sup>

(a) a sketch showing the proposed location of the dam, the area to be flooded and the lands of persons other than the applicant that may be affected by the flooding;

(b) a statement showing the purpose, size and type of the dam, whether the dam will be of a temporary or permanent nature and the quantity of water, if any, to be taken from the headpond; and

(c) such other particulars as the Minister requires.

(3) Where it appears expedient in the public interest, <sup>Approval</sup> the Minister may refuse to give his approval of the <sup>of dam</sup> location of the dam.

Application  
for approval  
of plans, etc.

- (4) When the location of a dam has been approved by the Minister, an application for approval of the plan and specifications of the dam may be made in writing to the Minister and shall be accompanied by,

(a) three copies of the plan and specifications and a report showing full details of the construction of the sluice-gates, spillways and other works connected with the dam and the height at which the water is to be held;

(b) a map showing the location and size of the watershed above the dam, the extreme high water mark and the normal regulated water level;

(c) particulars as to the nature of the bottom or foundation on which the dam is to be constructed with reports of all boring or test pits;

(d) such other particulars as the Minister requires.

Approval  
of plans  
of dams

- (5) The Minister may approve the plan and specifications of a dam as submitted to him or may approve them with such alterations as he deems advisable, and, without limiting the generality of the foregoing, may require that the dam shall be provided with a fishway that will permit the free and unobstructed passage of fish.

Exception

- (6) Nothing in this section prevents or applies to the construction of an emergency dam where such construction is considered necessary for the prevention of loss or damage to property, but in such case the owner shall immediately give notice to the Minister that he is proceeding with the construction of the dam and shall thereafter comply with any directions of the Minister as to the precautions to be taken in maintaining the dam or its removal when the purpose for which it was constructed has been served.

Disputes as  
to user

- 9a.—(1) Where a dam is under construction or has been constructed on a lake or river and the location or the plan and specifications thereof have not been approved by the Minister or an emergency dam has been constructed and the owner thereof has not given notice to the Minister under section 9, the Minister may appoint an officer or officers with such powers and duties as are deemed expedient to be in charge of the lake or river or any works or improvements

thereon and to regulate the use of the lake or river or any works or improvements thereon in such manner as seems best calculated to afford to persons having conflicting interests on the lake or river a fair and reasonable use of the waters of the lake or river, but, where any alteration of the level of international boundary waters is involved, such regulation, powers and duties shall conform to any order or recommendation that the International Joint Commission may make under the terms and authority of the International Boundary Waters Treaty between Great Britain and the United States.

- (2) The Minister may order the owner of a dam under subsection 1 to repair, reconstruct or remove the dam within the time specified in the order and, upon non-compliance with the order within the time limited, the Minister may do or cause to be done whatever is necessary, and the cost of any such work, as certified by him, is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.
- Order to  
remove, etc.

2. Subsection 1 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out "2" in the eighth line and inserting in lieu thereof "4", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 203, s. 11,  
subs. 1,  
amended

- (1) Where a dam has heretofore been or is hereafter constructed in a lake or river and an engineer or other officer of the Department reports that by reason of the construction or condition of the dam water may be held, released or diverted in sufficient volume to cause personal injury or damage to property, the Minister may require the owner of the dam to furnish within a given time the plans and other particulars mentioned in subsection 4 of section 9.
- Requiring  
production  
of plans on  
report of  
engineer

3. *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 203,  
amended

- 22a. The Minister, an engineer and every officer, servant or agent of the Minister has the right, while in the performance of his duties under this Act, to enter into and upon any lands and premises, other than a private dwelling, store, storehouse, office or farm building.
- Right to  
enter on  
premises

4. Section 26 of *The Lakes and Rivers Improvement Act* is amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 203, s. 26,  
amended



Duty of  
persons  
driving  
timber

- (5) All persons floating timber down a lake or river shall keep the timber under control and shall recover and remove from the lake or river any timber that drifts out of control or causes an obstruction or hazard in the lake or river.

Obstruc-  
tions, etc.

- (6) Where the Minister deems it necessary or expedient in the public interest so to do, he may order the owner of or the person who was responsible for driving any timber that has drifted out of control or that has caused an obstruction or hazard in a lake or river to recover and remove the timber within the time specified in the order, and in default thereof the Minister may cause the timber to be recovered and removed, and the cost thereof, as certified by him, is a debt due to the Crown by such owner or person and is recoverable in any court of competent jurisdiction.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1962-63*.





An Act to amend  
The Lakes and Rivers Improvement Act

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

December 19th, 1962

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MR. ROBERTS

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# **BILL 20**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Game and Fish Act, 1961-62**

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**MR. ROBERTS**

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#### EXPLANATORY NOTES

SECTION 1. The new subsection will authorize the Minister to enter into agreements with the owners of land for the management, perpetuation and rehabilitation of wildlife resources.

SECTION 2. The amendment will provide that conservation officers are not required to investigate offences under subsection 1 of section 17, i.e., entering on posted lands with guns, fishing tackle, etc.

SECTION 3. The amendment clarifies the intent of the section.

SECTION 4. The new section provides for the use of licensed guides in those parts of Ontario designated by the regulations.

BILL 20

1962-63

## An Act to amend The Game and Fish Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection: 1961-62,  
c. 48, s. 6,  
amended

(3) The Minister may enter into agreements with the owners of lands for the management of the lands for the purposes mentioned in subsection 1. Management  
agreements

2. Section 11 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection: 1961-62,  
c. 48, s. 11,  
amended

(2) Subsection 1 does not apply to contraventions of subsection 1 of section 17. Where  
subs. 1 not  
to apply

3. Section 31 of *The Game and Fish Act, 1961-62* is amended by inserting after "no" in the first line "construction camp, lumber camp, mining camp", so that the section shall read as follows: 1961-62,  
c. 48, s. 31,  
amended

31. Except with the written authority of the Minister, no construction camp, lumber camp, mining camp, hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence. Hotels,  
restaurants,  
etc.

4. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 48,  
amended

37a.—(1) In this section, "guide" means a person who for reward carries out the customary duties of a hunting or angling guide. Interpre-  
tation



## Guides

- (2) Except under the authority of a licence, no person shall act as a guide in any part of Ontario designated by the regulations.

## Employment of guides

- (3) In any part of Ontario designated as an area in which no person shall act as a guide except under the authority of a licence, no person shall employ as a guide a person who is not the holder of a guide's licence.

## Limitation of guides

- (4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act or the Ontario Fishery Regulations unless that person is the holder of a licence for the purpose.

## Guides for non-resident hunters

- (5) No non-resident shall hunt deer or moose in any part of Ontario designated by the regulations without employing or being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents.

## Guides for non-resident boat owners, etc.

- (6) In any part of Ontario designated by the regulations, no non-resident who is the owner, operator, person in charge of or a passenger in any boat of a type or size prescribed by the regulations shall angle from such boat without employing and being accompanied by a licensed guide.

1961-62,  
c. 48, s. 40,  
amended

5. Section 40 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

## Exception

- (2) Notwithstanding subsection 1, black bear may be trapped during such times and subject to such terms and conditions as are prescribed by the regulations.

1961-62,  
c. 48, s. 83,  
par. 15,  
amended

6.—(1) Paragraph 15 of section 83 of *The Game and Fish Act, 1961-62* is amended by inserting after "lands" in the first line "or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6", so that the paragraph shall read as follows:

15. designating Crown lands or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6 on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which

SECTION 5. The new subsection will permit the trapping of black bear under the terms and conditions prescribed by the regulations.

SECTION 6. Paragraph 15 is extended to provide for regulations for regulated hunting on land acquired by or under management agreements with the Crown.

The new paragraph 22a is complementary to section 5 of this Bill.

SECTION 7. The new paragraphs are complementary to section 4 of this Bill.

hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department.

(2) Section 83 is amended by adding thereto the following paragraph: <sup>1961-62,  
c. 48, s. 83,  
amended</sup>

22a. prescribing the times during which and the terms and conditions on which black bear may be trapped.

7. Section 84 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62,  
c. 48, s. 84,  
amended</sup> by adding thereto the following paragraphs:

5. for the purposes of section 37a, designating parts of Ontario as areas in which no person shall act as a guide except under the authority of a licence;

6. designating parts of Ontario as areas in which no non-resident shall hunt deer or moose without employing or being accompanied by a licensed guide;

7. designating parts of Ontario in which non-resident owners, operators or persons in charge of or passengers on prescribed types or sizes of boats used for angling shall employ licensed guides;

8. prescribing the types or sizes of boats mentioned in paragraph 7.

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

9. This Act may be cited as *The Game and Fish Amendment Act, 1962-63*. <sup>Short title</sup>

An Act to amend  
The Game and Fish Act, 1961-62

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

MR. ROBERTS



**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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**An Act to amend  
The Game and Fish Act, 1961-62**

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**MR. ROBERTS**

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*(Reprinted as amended by the Committee on Game and Fish)*

MINISTER OF THE ENVIRONMENT  
OTTAWA, K1P 6K6

EXPLANATORY NOTES

SECTION 1. The new subsection will authorize the Minister to enter into agreements with the owners of land for the management, perpetuation and rehabilitation of wildlife resources.

SECTION 2. The amendment will provide that conservation officers are not required to investigate offences under subsection 1 of section 17, i.e., entering on posted lands with guns, fishing tackle, etc.

SECTION 3. The amendment clarifies the intent of the section.

SECTION 4. The new section provides for the use of licensed guides in those parts of Ontario designated by the regulations.

## BILL 20

1962-63

**An Act to amend  
The Game and Fish Act, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:
 

1961-62,  
c. 48, s. 6,  
amended

  - (3) The Minister may enter into agreements with the owners of lands for the management of the lands for the purposes mentioned in subsection 1.
 

Management  
agreements
2. Section 11 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:
 

1961-62,  
c. 48, s. 11,  
amended

  - (2) Subsection 1 does not apply to contraventions of subsection 1 of section 17.
 

Where  
subs. 1 not  
to apply
3. Section 31 of *The Game and Fish Act, 1961-62* is amended by inserting after "no" in the first line "construction camp, lumber camp, mining camp", so that the section shall read as follows:
 

1961-62,  
c. 48, s. 31,  
amended

  31. Except with the written authority of the Minister, no construction camp, lumber camp, mining camp, hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence.
 

Hotels,  
restaurants,  
etc.
4. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:
 

1961-62,  
c. 48,  
amended

  - 37a.—(1) In this section, "guide" means a person who for reward carries out the customary duties of a hunting or angling guide.
 

Interpre-  
tation

Guides (2) Except under the authority of a licence, no person shall act as a guide in any part of Ontario designated by the regulations.

Employment of guides (3) In any part of Ontario designated as an area in which no person shall act as a guide except under the authority of a licence, no person shall employ as a guide a person who is not the holder of a guide's licence.

Limitation of guides (4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act or the Ontario Fishery Regulations unless that person is the holder of a licence for the purpose.

Guides for non-resident hunters (5) No non-resident shall hunt deer or moose in any part of Ontario designated by the regulations without employing or being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents.

1961-62, c. 48, s. 40, amended 5. Section 40 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Exception (2) Notwithstanding subsection 1, black bear may be trapped during such times and subject to such terms and conditions as are prescribed by the regulations.

1961-62, c. 48, s. 83, par. 15, amended 6.—(1) Paragraph 15 of section 83 of *The Game and Fish Act, 1961-62* is amended by inserting after "lands" in the first line "or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6", so that the paragraph shall read as follows:

15. designating Crown lands or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6 on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department.

1961-62, c. 48, s. 83, amended (2) Section 83 is amended by adding thereto the following paragraph:

22a. prescribing the times during which and the terms and conditions on which black bear may be trapped.

SECTION 5. The new subsection will permit the trapping of black bear under the terms and conditions prescribed by the regulations.

SECTION 6. Paragraph 15 is extended to provide for regulations for regulated hunting on land acquired by or under management agreements with the Crown.

The new paragraph 22a is complementary to section 5 of this Bill.



SECTION 7. The new paragraphs are complementary to section 4 of this Bill.

7. Section 84 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62,  
c. 48, s. 84,  
amended</sup> by adding thereto the following paragraphs:

5. for the purposes of section 37a, designating parts of Ontario as areas in which no person shall act as a guide except under the authority of a licence;
6. designating parts of Ontario as areas in which no non-resident shall hunt deer or moose without employing or being accompanied by a licensed guide.

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

9. This Act may be cited as *The Game and Fish Amendment Act, 1962-63*. <sup>Short title</sup>

An Act to amend  
The Game and Fish Act, 1961-62

---

*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

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MR. ROBERTS

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(Reprinted as amended by the  
Committee on Game and Fish)

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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**An Act to amend  
The Game and Fish Act, 1961-62**

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Mr. ROBERTS

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BILL 20

1962-63

## An Act to amend The Game and Fish Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:
 

1961-62,  
c. 48, s. 6,  
amended

  - (3) The Minister may enter into agreements with the owners of lands for the management of the lands for the purposes mentioned in subsection 1.
 

Management  
agreements
2. Section 11 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:
 

1961-62,  
c. 48, s. 11,  
amended

  - (2) Subsection 1 does not apply to contraventions of subsection 1 of section 17.
 

Where  
subs. 1 not  
to apply
3. Section 31 of *The Game and Fish Act, 1961-62* is amended by inserting after "no" in the first line "construction camp, lumber camp, mining camp", so that the section shall read as follows:
 

1961-62,  
c. 48, s. 31,  
amended

  31. Except with the written authority of the Minister, no construction camp, lumber camp, mining camp, hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence.
 

Hotels,  
restaurants,  
etc.
4. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:
 

1961-62,  
c. 48,  
amended

  - 37a.—(1) In this section, "guide" means a person who for reward carries out the customary duties of a hunting or angling guide.
 

Interpre-  
tation

## Guides

- (2) Except under the authority of a licence, no person shall act as a guide in any part of Ontario designated by the regulations.

## Employment of guides

- (3) In any part of Ontario designated as an area in which no person shall act as a guide except under the authority of a licence, no person shall employ as a guide a person who is not the holder of a guide's licence.

## Limitation of guides

- (4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act or the Ontario Fishery Regulations unless that person is the holder of a licence for the purpose.

## Guides for non-resident hunters

- (5) No non-resident shall hunt deer or moose in any part of Ontario designated by the regulations without employing or being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents.

1961-62,  
c. 48, s. 40,  
amended

**5.** Section 40 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

## Exception

- (2) Notwithstanding subsection 1, black bear may be trapped during such times and subject to such terms and conditions as are prescribed by the regulations.

1961-62,  
c. 48, s. 83,  
par. 15,  
amended

**6.—(1)** Paragraph 15 of section 83 of *The Game and Fish Act, 1961-62* is amended by inserting after "lands" in the first line "or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6", so that the paragraph shall read as follows:

15. designating Crown lands or lands in which the Crown has acquired an interest or in respect of which an agreement has been entered into under section 6 on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department.

1961-62,  
c. 48, s. 83,  
amended

(2) Section 83 is amended by adding thereto the following paragraph:

- 22a. prescribing the times during which and the terms and conditions on which black bear may be trapped.

7. Section 84 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62,  
c. 48, s. 84,  
amended</sup> by adding thereto the following paragraphs:

5. for the purposes of section 37a, designating parts of Ontario as areas in which no person shall act as a guide except under the authority of a licence;
6. designating parts of Ontario as areas in which no non-resident shall hunt deer or moose without employing or being accompanied by a licensed guide.

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

9. This Act may be cited as *The Game and Fish Amendment Act, 1962-63*. <sup>Short title</sup>







An Act to amend  
The Game and Fish Act, 1961-62

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

April 26th, 1963

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MR. ROBERTS

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# **BILL 21**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Schools Administration Act**

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**MR. DAVIS**

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THE SCHOOLS ADMINISTRATION ACT  
1962

THE SCHOOLS ADMINISTRATION ACT  
1962

# EXPLANATORY NOTES

SECTION 1. The amendment extends the duties of a school attendance officer who is appointed by a high school board to include the non-resident pupils who are enrolled in the school. At present, no officer has control of this group.

SECTION 2. The new paragraph 31 authorizes school boards to provide group accident insurance to indemnify members of the board or their estates for accidental death or injury while travelling on business of the board. This power was given to municipal councils in 1962.

The new paragraph 32 provides for the destruction of obsolete documents of a school board.

BILL 21

1962-63

## An Act to amend The Schools Administration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 9 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 9,  
subs. 4,  
re-enacted

- (4) A school attendance officer appointed by a high school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district or who are not resident pupils of a high school district but are or have been enrolled during the current school year in a secondary school operated by the board. by high  
school board

2. Section 35 of *The Schools Administration Act* is amended by adding thereto the following paragraphs: R.S.O. 1960,  
c. 361, s. 35,  
amended

31. provide, by contract with an insurer licensed under *The Insurance Act*, group accident insurance to indemnify a member of a board or of an advisory vocational committee appointed by a board or his estate against loss in case he is accidentally killed or injured while travelling on the business of the board or in the performance of his duties as a member of a board or of an advisory vocational committee either within or outside the area over which the board has jurisdiction; group  
accident  
insurance  
R.S.O. 1960,  
c. 190
32. upon obtaining the written approval of the licensed municipal auditor of the board, authorize the destruction of receipts, vouchers, instruments, rolls, documents, records and papers that are at least seven destruction  
of  
documents

years old as of the 1st day of January of the current year, except school registers, records of pupils' standings, minute books, annual financial reports, cash books, journals, ledgers, debenture registers, assessment rolls, tax collector's rolls, deeds, plans of buildings and other documents that the board considers of permanent value or historical interest.

**Commence-  
ment**

**3.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**4.** This Act may be cited as *The Schools Administration Amendment Act, 1962-63*.









An Act to amend  
The Schools Administration Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

---

MR. DAVIS

---

# BILL 21

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## An Act to amend The Schools Administration Act

---

MR. DAVIS

---





BILL 21

1962-63

## An Act to amend The Schools Administration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 9 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 361, s. 9,  
subs. 4,  
re-enacted

- (4) A school attendance officer appointed by a high <sup>by high school board</sup> school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district or who are not resident pupils of a high school district but are or have been enrolled during the current school year in a secondary school operated by the board.

2. Section 35 of *The Schools Administration Act* is amended R.S.O. 1960,  
c. 361, s. 35,  
amended by adding thereto the following paragraphs:

31. provide, by contract with an insurer licensed under <sup>group accident insurance</sup> *The Insurance Act*, group accident insurance to indemnify a member of a board or of an advisory vocational committee appointed by a board or his estate against loss in case he is accidentally killed or injured while travelling on the business of the board or in the performance of his duties as a member of a board or of an advisory vocational committee either within or outside the area over which the board has jurisdiction; R.S.O. 1960,  
c. 190
32. upon obtaining the written approval of the licensed <sup>destruction of</sup> municipal auditor of the board, authorize the <sup>documents</sup> destruction of receipts, vouchers, instruments, rolls, documents, records and papers that are at least seven

years old as of the 1st day of January of the current year, except school registers, records of pupils' standings, minute books, annual financial reports, cash books, journals, ledgers, debenture registers, assessment rolls, tax collector's rolls, deeds, plans of buildings and other documents that the board considers of permanent value or historical interest.

Comment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Schools Administration Amendment Act, 1962-63*.









An Act to amend  
The Schools Administration Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

March 6th, 1963

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MR. DAVIS

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# **BILL 22**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Public Schools Act**

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**MR. DAVIS**

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STATE OF MISSISSIPPI  
LEGISLATURE  
1911

EXPLANATORY NOTES

SECTION 1. The amendment permits a school board to provide a beginners class in the spring term for children who were under the official age of admission for the preceding fall term.

SECTION 2. The amendment permits a board to waive the payment of a fee.

SECTION 3. Where candidates receives an equal number of votes, at present the chairman of the meeting has the right to give a casting vote. The amendment also authorizes the chairman to provide for drawing lots.

SECTION 4. The amendment provides for the procedure for breaking a tie vote. At present, this is done by the chairman giving a casting vote.

## BILL 22

1962-63

## An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 5,  
amended

- (7) The board may provide a class or classes for children to enter school for the first time in the second term of any school year on and after a date approved by the board, in which case a child who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class. Beginners  
class

2. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 6,  
amended

- (13) Notwithstanding the other provisions of this section, where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee. Admission  
without fee

3. Subsection 2 of section 19 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 19,  
subs. 2,  
re-enacted

- (2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. Determina-  
tion where  
equal  
number  
of votes

4. Subsection 10 of section 23 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 23,  
subs. 10,  
re-enacted

- (10) When a poll is closed, the secretary shall count the votes and, Counting  
votes, deter-  
mination in  
case of tie



(a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 2-4,  
re-enacted

5.—(1) Subsections 2, 3 and 4 of section 40 of *The Public Schools Act* are repealed and the following substituted therefor:

Inclusion  
of union  
school  
section in  
township  
area

(2) The council of the township may by by-law include a union school section or part thereof in a township school area if the council of each other municipality that contains a portion of the union school section by resolution assents thereto within sixty days of the passing of the by-law, and, where the whole of the union school section is included, all parts thereof shall be regarded as part of the township for public school purposes.

Idem

(3) Where the by-law provides for the inclusion of the whole of a union school section and the other municipalities do not assent, within sixty days of the passing of the by-law, to the inclusion of the union school section or any part thereof, the by-law shall not be effective in respect of the union school section, and the by-law shall be amended accordingly within ninety days of the passing thereof.

Idem

(4) If the other municipalities assent to the inclusion of only a part or parts of the union school section, the by-law shall be effective only in respect of the part or parts, and the by-law shall be amended, if necessary, to conform to the assent within ninety days of the passing of the by-law.

R.S.O. 1960,  
c. 330, s. 40,  
subs. 9,  
amended

(2) Subsection 9 of the said section 40 is amended by striking out "before the 31st day of August of the same year" in the ninth and tenth lines and by adding at the end thereof "within sixty days of the passing of the by-law", so that the subsection shall read as follows:

Approval  
required

(9) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a

SECTION 5—Subsections 1 and 2. At present, where a by-law is passed that includes all or part of a union school section in a township school area and other municipalities are affected, the by-law is not effective unless it is consented to by resolution of the other municipalities before the 31st day of August. The amendments will require the resolution to be passed within sixty days of the passing of the by-law.

Subsection 3. The amendment permits the council of an urban municipality to enlarge a township school area by the addition of one or more school sections in territory without municipal organization.

Subsection 4. The amendment provides that the name of the board of a township school area shall include the name of the municipality and, where there are two or more township school areas established by the municipality, each shall be given a number by council.

SECTION 6. Subsection 1 at present provides for the appointment of a referee within three months after the passing of the by-law establishing or altering a township school area. The amendment provides for such an appointment after the Minister has approved the by-law.

SECTION 7. The amendment provides that a union school section may include territory without municipal organization, provided it contains territory in two or more municipalities.

SECTION 8. The amendment is to clarify procedures where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section.

municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 8 shall not be effective unless it is approved by resolution passed by the council or councils of the municipalities concerned within sixty days of the passing of the by-law.

(3) Subsection 12 of the said section 40 is amended by striking out "The council of the township or the councils of the municipalities" in the first and second lines and inserting in lieu thereof "The council of a town, village or township or the councils of two or more municipalities".

R.S.O. 1960,  
c. 330, s. 40,  
subs. 12,  
amended

(4) Subsection 23 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 40,  
subs. 23,  
re-enacted

(23) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of . . . . .  
 . . . . . (inserting the name of the municipality and a number designated by council where there are two or more township school areas established by the municipality)".

Incorporation

6. Subsection 1 of section 42 of *The Public Schools Act* is amended by striking out "within three months after the passing" in the sixth line and inserting in lieu thereof "after his approval", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 42,  
subs. 1,  
amended

(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws establishing, altering or dissolving the township school area.

Adjustment  
of claims

7. Subclause iii of clause *a* of subsection 19 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 45,  
subs. 19,  
cl. a,  
subcl. iii,  
re-enacted

(iii) territory without municipal organization and all or part of two or more municipalities.

8. Section 61 of *The Public Schools Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 61,  
amended



Where tax  
arrears  
procedures  
of R.S.O.  
1960, c. 98,  
in effect

- (8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board.

R.S.O. 1960,  
c. 330,  
amended

9. *The Public Schools Act* is amended by adding thereto the following section:

Inactive  
school  
section in  
unorganized  
territory

- 62a.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the inspector may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term.

Funds of  
board  
deposited  
in Con.  
Rev. Fund

- (2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping.

Dissolution  
of board

- (3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board.

Records;  
pupils

- (4) The records of the inactive school section shall be filed in the office of the school inspector and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section.

School  
section  
declared  
active

- (5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the inspector may, with the approval of the Minister, declare the school section to be active.

Trustees

- (6) After the inspector has declared the school section to be active, three school trustees shall be elected in accordance with section 56, and the trustees shall



**SECTION 9.** The new section provides a procedure for a school section in unorganized territory to become inactive.

SECTION 10. The provisions of subsection 8 are transferred to section 68 of the Act. See section 11 of this Bill.

SECTION 11. The amendment is to make it clear that the former provisions of subsection 8 of section 65 with respect to the cost of issuing a debenture apply to all school boards instead of to rural boards only as now appears to be the case.

SECTION 12. The new clauses authorize school boards to enter into agreements with the federal government to provide for the education of Indian children in public and separate schools.

SECTION 13. The amendment is complementary to the amendments to section 40 of *The Public Schools Act*. See section 5 of this Bill.

provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board.

**10.** Subsection 8 of section 65 of *The Public Schools Act* is repealed. R.S.O. 1960,  
c. 330, s. 65,  
subs. 8,  
repealed

**11.** Section 68 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 68,  
amended

- (2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. Expenses re  
issuing  
debentures

**12.** Subsection 2 of section 74 of *The Public Schools Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 330, s. 74,  
subs. 2,  
amended

- (i) enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition at the gross cost per pupil per day, as defined in section 6, for the maximum number of Indian pupils agreed upon; agreements re  
accommoda-  
tion for  
Indian  
pupils
- (j) enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be the gross cost per pupil per day, as defined in section 6, for the current year exclusive of expenditures for permanent improvements. idem

**13.** Subsection 8 of section 76 of *The Public Schools Act*, as enacted by section 18 of *The Public Schools Amendment Act, 1961-62*, is amended by striking out "thirty days after the request, the council that passed the by-law may within the next twenty days" in the seventh, eighth and ninth lines and inserting in lieu thereof "sixty days of the passing of the by- R.S.O. 1960,  
c. 330, s. 76,  
subs. 8,  
(1961-62,  
c. 120, s. 18),  
amended

law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired", so that the subsection shall read as follows:

Appeal to  
county  
council re  
assenting  
resolution

- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within sixty days of the passing of the by-law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Commence-  
ment

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** This Act may be cited as *The Public Schools Amendment Act, 1962-63*.









An Act to amend  
The Public Schools Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

---

MR. DAVIS

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# BILL 22

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Public Schools Act

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MR. DAVIS

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*(Reprinted as amended by the Committee on Education)*

#### EXPLANATORY NOTES

SECTION 1. The amendment permits a school board to provide a beginners class in the spring term for children who were under the official age of admission for the preceding fall term.

SECTION 2. The amendment permits a board to waive the payment of a fee.

SECTION 3. Where candidates receives an equal number of votes, at present the chairman of the meeting has the right to give a casting vote. The amendment also authorizes the chairman to provide for drawing lots.

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1. Section 5 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
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- (7) The board may provide a class or classes for children Beginners  
class to enter school for the first time in the second term of any school year on and after a date approved by the board, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class.

2. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 6,  
amended

- (13) Notwithstanding the other provisions of this section, where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee. Admission  
without fee

3. Subsection 2 of section 19 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 19,  
subs. 2,  
re-enacted

- (2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. Determina-  
tion where  
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of votes

4. Subsection 10 of section 23 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 23,  
subs. 10,  
re-enacted

Counting  
votes, deter-  
mination in  
case of tie

- (10) When a poll is closed, the secretary shall count the votes and,

(a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 2-4,  
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5.—(1) Subsections 2, 3 and 4 of section 40 of *The Public Schools Act* are repealed and the following substituted therefor:

Inclusion  
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area

- (2) The council of the township may by by-law include a union school section or part thereof in a township school area if the council of each other municipality that contains a portion of the union school section by resolution assents thereto within sixty days of the passing of the by-law, and, where the whole of the union school section is included, all parts thereof shall be regarded as part of the township for public school purposes.

Idem

- (3) Where the by-law provides for the inclusion of the whole of a union school section and the other municipalities do not assent, within sixty days of the passing of the by-law, to the inclusion of the union school section or any part thereof, the by-law shall not be effective in respect of the union school section, and the by-law shall be amended accordingly within ninety days of the passing thereof.

Idem

- (4) If the other municipalities assent to the inclusion of only a part or parts of the union school section, the by-law shall be effective only in respect of the part or parts, and the by-law shall be amended, if necessary, to conform to the assent within ninety days of the passing of the by-law.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 9,  
amended

(2) Subsection 9 of the said section 40 is amended by striking out "before the 31st day of August of the same year" in the ninth and tenth lines and by adding at the end thereof "within sixty days of the passing of the by-law", so that the subsection shall read as follows:

Approval  
required

- (9) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a

SECTION 5—Subsections 1 and 2. At present, where a by-law is passed that includes all or part of a union school section in a township school area and other municipalities are affected, the by-law is not effective unless it is consented to by resolution of the other municipalities before the 31st day of August. The amendments will require the resolution to be passed within sixty days of the passing of the by-law.

Subsection 3. The amendment permits the council of an urban municipality to enlarge a township school area by the addition of one or more school sections in territory without municipal organization.

Subsection 4. The amendment provides that the name of the board of a township school area shall include the name of the municipality and, where there are two or more township school areas established by the municipality, each shall be given a number by council.

SECTION 6. Subsection 1 at present provides for the appointment of a referee within three months after the passing of the by-law establishing or altering a township school area. The amendment provides for such an appointment after the Minister has approved the by-law.

SECTION 7. The amendment provides that a union school section may include territory without municipal organization, provided it contains territory in two or more municipalities.

SECTION 8. The amendment is to clarify procedures where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section.



municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 8 shall not be effective unless it is approved by resolution passed by the council or councils of the municipalities concerned within sixty days of the passing of the by-law.

(3) Subsection 12 of the said section 40 is amended by striking out "The council of the township or the councils of the municipalities" in the first and second lines and inserting in lieu thereof "The council of a town, village or township or the councils of two or more municipalities". R.S.O. 1960,  
c. 330, s. 40,  
subs. 12,  
amended

(4) Subsection 23 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 40,  
subs. 23,  
re-enacted

(23) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of.....  
..... (inserting the name of the municipality and a number designated by council where there are two or more township school areas established by the municipality)". Incorporation

6. Subsection 1 of section 42 of *The Public Schools Act* is amended by striking out "within three months after the passing" in the sixth line and inserting in lieu thereof "after his approval", so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 42,  
subs. 1,  
amended

(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws establishing, altering or dissolving the township school area. Adjustment  
of claims

7. Subclause iii of clause a of subsection 19 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 45,  
subs. 19,  
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(iii) territory without municipal organization and all or part of two or more municipalities.

8. Section 61 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
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Where tax  
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- (8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board.

R.S.O. 1960,  
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9. *The Public Schools Act* is amended by adding thereto the following section:

Inactive  
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- 62a.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the inspector may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term.

Funds of  
board  
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Rev. Fund

- (2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping.

Dissolution  
of board

- (3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board.

Records;  
pupils

- (4) The records of the inactive school section shall be filed in the office of the school inspector and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section.

School  
section  
declared  
active

- (5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the inspector may, with the approval of the Minister, declare the school section to be active.

Trustees

- (6) After the inspector has declared the school section to be active, three school trustees shall be elected in accordance with section 56, and the trustees shall

**SECTION 9.** The new section provides a procedure for a school section in unorganized territory to become inactive.

SECTION 10. The provisions of subsection 8 are transferred to section 68 of the Act. See section 11 of this Bill.

SECTION 11. The amendment is to make it clear that the former provisions of subsection 8 of section 65 with respect to the cost of issuing a debenture apply to all school boards instead of to rural boards only as now appears to be the case.

SECTION 12. The new clauses authorize school boards to enter into agreements with the federal government to provide for the education of Indian children in public and separate schools.

SECTION 13. The amendment is complementary to the amendments to section 40 of *The Public Schools Act*. See section 5 of this Bill.

provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board.

**10.** Subsection 8 of section 65 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 65, subs. 8, repealed

**11.** Section 68 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 68, amended

- (2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. Expenses re issuing debentures

**12.** Subsection 2 of section 74 of *The Public Schools Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 330, s. 74, subs. 2, amended

- (i) enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition at the gross cost per pupil per day, as defined in section 6, for the maximum number of Indian pupils agreed upon; agreements re accommodation for Indian pupils
- (j) enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be the gross cost per pupil per day, as defined in section 6, for the current year exclusive of expenditures for permanent improvements. idem

**13.** Subsection 8 of section 76 of *The Public Schools Act*, as enacted by section 18 of *The Public Schools Amendment Act, 1961-62*, is amended by striking out "thirty days after the request, the council that passed the by-law may within the next twenty days" in the seventh, eighth and ninth lines and inserting in lieu thereof "sixty days of the passing of the by- R.S.O. 1960, c. 330, s. 76, subs. 8, (1961-62, c. 120, s. 18), amended



law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired", so that the subsection shall read as follows:

Appeal to  
county  
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- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within sixty days of the passing of the by-law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Commence-  
ment

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** This Act may be cited as *The Public Schools Amendment Act, 1962-63*.









An Act to amend  
The Public Schools Act

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

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MR. DAVIS

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(Reprinted as amended by the  
Committee on Education)

## BILL 22

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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MR. DAVIS

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amended

- (7) The board may provide a class or classes for children Beginners  
class to enter school for the first time in the second term of any school year on and after a date approved by the board, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class.

2. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 6,  
amended

- (13) Notwithstanding the other provisions of this section, Admission  
without fee where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee.

3. Subsection 2 of section 19 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 19,  
subs. 2,  
re-enacted

- (2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or Determina-  
tion where  
equal  
number  
of votes provide for the drawing of lots to determine which of the candidates is elected.

4. Subsection 10 of section 23 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 23,  
subs. 10,  
re-enacted

Counting  
votes, deter-  
mination in  
case of tie

- (10) When a poll is closed, the secretary shall count the votes and,

(a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 2-4,  
re-enacted

5.—(1) Subsections 2, 3 and 4 of section 40 of *The Public Schools Act* are repealed and the following substituted therefor:

Inclusion  
of union  
school  
section in  
township  
area

- (2) The council of the township may by by-law include a union school section or part thereof in a township school area if the council of each other municipality that contains a portion of the union school section by resolution assents thereto within sixty days of the passing of the by-law, and, where the whole of the union school section is included, all parts thereof shall be regarded as part of the township for public school purposes.

Idem

- (3) Where the by-law provides for the inclusion of the whole of a union school section and the other municipalities do not assent, within sixty days of the passing of the by-law, to the inclusion of the union school section or any part thereof, the by-law shall not be effective in respect of the union school section, and the by-law shall be amended accordingly within ninety days of the passing thereof.

Idem

- (4) If the other municipalities assent to the inclusion of only a part or parts of the union school section, the by-law shall be effective only in respect of the part or parts, and the by-law shall be amended, if necessary, to conform to the assent within ninety days of the passing of the by-law.

R.S.O. 1960,  
c. 330, s. 40,  
subss. 9,  
amended

- (2) Subsection 9 of the said section 40 is amended by striking out "before the 31st day of August of the same year" in the ninth and tenth lines and by adding at the end thereof "within sixty days of the passing of the by-law", so that the subsection shall read as follows:

Approval  
required

- (9) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a



municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 8 shall not be effective unless it is approved by resolution passed by the council or councils of the municipalities concerned within sixty days of the passing of the by-law.

(3) Subsection 12 of the said section 40 is amended by striking out "The council of the township or the councils of the municipalities" in the first and second lines and inserting in lieu thereof "The council of a town, village or township or the councils of two or more municipalities".

R.S.O. 1960,  
c. 330, s. 40,  
subs. 12,  
amended

(4) Subsection 23 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 40,  
subs. 23,  
re-enacted

(23) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of.....  
..... (inserting the name of the municipality and a number designated by council where there are two or more township school areas established by the municipality)".

Incorporation

6. Subsection 1 of section 42 of *The Public Schools Act* is amended by striking out "within three months after the passing" in the sixth line and inserting in lieu thereof "after his approval", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 42,  
subs. 1,  
amended

(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws establishing, altering or dissolving the township school area.

Adjustment  
of claims

7. Subclause iii of clause *a* of subsection 19 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 45,  
subs. 19,  
cl. *a*,  
subcl. iii,  
re-enacted

(iii) territory without municipal organization and all or part of two or more municipalities.

8. Section 61 of *The Public Schools Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 61,  
amended

Where tax  
arrears  
procedures  
of R.S.O.  
1960, c. 98,  
in effect

- (8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board.

R.S.O. 1960,  
c. 330,  
amended

9. *The Public Schools Act* is amended by adding thereto the following section:

Inactive  
school  
section in  
unorganized  
territory

- 62a.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the inspector may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term.

Funds of  
board  
deposited  
in Con.  
Rev. Fund

- (2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping.

Dissolution  
of board

- (3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board.

Records;  
pupils

- (4) The records of the inactive school section shall be filed in the office of the school inspector and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section.

School  
section  
declared  
active

- (5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the inspector may, with the approval of the Minister, declare the school section to be active.

Trustees

- (6) After the inspector has declared the school section to be active, three school trustees shall be elected in accordance with section 56, and the trustees shall



provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board.

**10.** Subsection 8 of section 65 of *The Public Schools Act* is repealed. R.S.O. 1960,  
c. 330, s. 65,  
subs. 8,  
repealed

**11.** Section 68 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 68,  
amended

- (2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. Expenses re  
issuing  
debentures

**12.** Subsection 2 of section 74 of *The Public Schools Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 330, s. 74,  
subs. 2,  
amended

- (i) enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition at the gross cost per pupil per day, as defined in section 6, for the maximum number of Indian pupils agreed upon; agreements  
re  
accommoda-  
tion for  
Indian  
pupils
- (j) enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be the gross cost per pupil per day, as defined in section 6, for the current year exclusive of expenditures for permanent improvements. idem

**13.** Subsection 8 of section 76 of *The Public Schools Act*, as enacted by section 18 of *The Public Schools Amendment Act, 1961-62*, is amended by striking out "thirty days after the request, the council that passed the by-law may within the next twenty days" in the seventh, eighth and ninth lines and inserting in lieu thereof "sixty days of the passing of the by- R.S.O. 1960,  
c. 330, s. 76,  
subs. 8  
(1961-62,  
c. 120, s. 18),  
amended

law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired", so that the subsection shall read as follows:

Appeal to  
county  
council re  
assenting  
resolution

- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within sixty days of the passing of the by-law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Commence-  
ment

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** This Act may be cited as *The Public Schools Amendment Act, 1962-63*.









An Act to amend  
The Public Schools Act

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*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

March 6th, 1963

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Mr. DAVIS

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# **BILL 23**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Public Libraries Act**

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**MR. DAVIS**

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COMMISSIONER OF THE GENERAL LAND OFFICE  
WASHINGTON, D. C.

EXPLANATORY NOTES

SECTION 1. Section 17, as re-enacted, provides for the appointment of members of a library board where there is more than one board eligible to make such appointments.

SECTION 2. Self-explanatory.

## BILL 23

1962-63

## An Act to amend The Public Libraries Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Libraries Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 325, s. 17,  
re-enacted

17.—(1) A public library board in a township shall be In townships  
composed of the reeve of the township and three members to be appointed by the council, three to be appointed by the public school board or board of education, and two by the separate school board, if any.

(2) Where there is more than one board qualified to deal with public school affairs or more than one separate school board, in each case the board that is supported by the greatest amount of assessment in the township shall appoint the members to be appointed by the public school board or board of education or by the separate school board, as the case may be, under subsection 1. Appoint-  
ment where  
more than  
one board

(3) The term of office of the members of the public library board shall be the same respectively as the term of office of members appointed in an urban municipality under section 15 by the council, public school board or board of education or by the separate school board. Term of  
office

2. *The Public Libraries Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 325,  
amended

32a.—(1) A board shall appoint one or more librarians who, in the case of a board in a municipality having a population of 15,000 or more, shall hold a Class A, B or C certificate of librarianship issued by the Minister. Appoint-  
ment of  
librarian

Librarians  
heretofore  
appointed

- (2) The qualifications for persons to be appointed as librarians under subsection 1 do not apply to persons appointed as librarians before this section comes into force.

Chief  
librarian

- (3) The chief librarian of a board shall be the chief executive of the board.

R.S.O. 1960,  
c. 325,  
amended

**3.** *The Public Libraries Act* is amended by adding thereto the following section:

Establish  
a regional  
library  
co-operative  
in counties

- 82a.—(1) The Minister, upon the receipt of a petition supported by three or more public library boards of cities or towns each having a population of 15,000 or more to establish a regional library co-operative to serve the library boards in the cities and towns and in the neighbouring counties, may establish a regional library co-operative board and determine the counties, cities and towns in which it will have jurisdiction.

Region of  
jurisdiction

- (2) The region under the jurisdiction of a regional library co-operative shall have a population of at least 100,000 and shall include at least three counties.

Board,  
members

- (3) A regional library co-operative board established under this section shall be composed of,
- (a) one member appointed by each of the library boards in the cities and in the towns each having a population of 15,000 or more in the region; and
  - (b) a number of members equal to the number appointed under clause *a* to be elected by the members of the other library boards in the region.

Idem

- (4) A member of a regional library co-operative board may also be a member of another library board in the region.

Term of  
office

- (5) A member of a regional library co-operative board shall hold office from the 1st day of January until the 31st day of December in the year for which he is elected or appointed, except that the first members of a board shall hold office during the year in which the board is established and until the 31st day of December of the following year.

Vacancies

- (6) The regional library co-operative board may appoint a qualified person to fill a vacancy created by any means in the membership of the board, and the person so appointed shall hold office for the remainder of the term of his predecessor.



SECTION 3. The purpose of the amendment is to establish regions of cities, towns and counties which are large enough to support reference services and co-ordinate other library services and have within the region at least three large libraries which for a fee could supply one or more of these services for the region.



(7) A regional library co-operative board may,

Powers of  
a regional  
library  
co-operative

- (a) establish, within one or more of the participating libraries, a collection of reference books and other items as the basis of a reference service for the region;
- (b) promote inter-library loans of books and other items;
- (c) determine services that may be provided by one or more boards for other boards in the region for,
  - (i) the selecting, cataloguing, processing, circulating and disposing of books,
  - (ii) circulating films and pictures,
  - (iii) providing programmes of an educational nature for adults, and
  - (iv) other similar services that can be provided more efficiently and more economically on a co-operative basis;
- (d) determine the unit cost of supplying each service, and approve the fee to be charged for any service;
- (e) appoint a regional director of library services,
  - (i) who shall hold a Class A or B certificate of librarianship, and
  - (ii) who is not employed by a library board that is not in the region but who may be an employee of a library board in the region if that board agrees to the appointment.

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 1 comes into force on the 1st day of January, 1964. Idem

5. This Act may be cited as *The Public Libraries Amendment Act, 1962-63*. Short title

An Act to amend  
The Public Libraries Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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**An Act to amend The Public Libraries Act**

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**MR. DAVIS**

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THE UNIVERSITY OF CHICAGO  
 11-11

THE UNIVERSITY OF CHICAGO

11-11

## BILL 23

1962-63

## An Act to amend The Public Libraries Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Libraries Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 325, s. 17,  
re-enacted

17.—(1) A public library board in a township shall be composed of the reeve of the township and three members to be appointed by the council, three to be appointed by the public school board or board of education, and two by the separate school board, if any. In townships

(2) Where there is more than one board qualified to deal with public school affairs or more than one separate school board, in each case the board that is supported by the greatest amount of assessment in the township shall appoint the members to be appointed by the public school board or board of education or by the separate school board, as the case may be, under subsection 1. Appoint-  
ment where  
more than  
one board

(3) The term of office of the members of the public library board shall be the same respectively as the term of office of members appointed in an urban municipality under section 15 by the council, public school board or board of education or by the separate school board. Term of  
office

2. *The Public Libraries Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 325,  
amended

32a.—(1) A board shall appoint one or more librarians who, in the case of a board in a municipality having a population of 15,000 or more, shall hold a Class A, B or C certificate of librarianship issued by the Minister. Appoint-  
ment of  
librarian

Librarians  
heretofore  
appointed

- (2) The qualifications for persons to be appointed as librarians under subsection 1 do not apply to persons appointed as librarians before this section comes into force.

Chief  
librarian

- (3) The chief librarian of a board shall be the chief executive of the board.

R.S.O. 1960,  
c. 325,  
amended

**3. *The Public Libraries Act*** is amended by adding thereto the following section:

Establish  
a regional  
library  
co-operative  
in counties

- 82a.—(1) The Minister, upon the receipt of a petition supported by three or more public library boards of cities or towns each having a population of 15,000 or more to establish a regional library co-operative to serve the library boards in the cities and towns and in the neighbouring counties, may establish a regional library co-operative board and determine the counties, cities and towns in which it will have jurisdiction.

Region of  
jurisdiction

- (2) The region under the jurisdiction of a regional library co-operative shall have a population of at least 100,000 and shall include at least three counties.

Board,  
members

- (3) A regional library co-operative board established under this section shall be composed of,

(a) one member appointed by each of the library boards in the cities and in the towns each having a population of 15,000 or more in the region; and

(b) a number of members equal to the number appointed under clause *a* to be elected by the members of the other library boards in the region.

Idem

- (4) A member of a regional library co-operative board may also be a member of another library board in the region.

Term of  
office

- (5) A member of a regional library co-operative board shall hold office from the 1st day of January until the 31st day of December in the year for which he is elected or appointed, except that the first members of a board shall hold office during the year in which the board is established and until the 31st day of December of the following year.

Vacancies

- (6) The regional library co-operative board may appoint a qualified person to fill a vacancy created by any means in the membership of the board, and the person so appointed shall hold office for the remainder of the term of his predecessor.

(7) A regional library co-operative board may,

Powers of  
a regional  
library  
co-operative

- (a) establish, within one or more of the participating libraries, a collection of reference books and other items as the basis of a reference service for the region;
- (b) promote inter-library loans of books and other items;
- (c) determine services that may be provided by one or more boards for other boards in the region for,
  - (i) the selecting, cataloguing, processing, circulating and disposing of books,
  - (ii) circulating films and pictures,
  - (iii) providing programmes of an educational nature for adults, and
  - (iv) other similar services that can be provided more efficiently and more economically on a co-operative basis;
- (d) determine the unit cost of supplying each service, and approve the fee to be charged for any service;
- (e) appoint a regional director of library services,
  - (i) who shall hold a Class A or B certificate of librarianship, and
  - (ii) who is not employed by a library board that is not in the region but who may be an employee of a library board in the region if that board agrees to the appointment.

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 1 comes into force on the 1st day of January, 1964. Idem

5. This Act may be cited as *The Public Libraries Amendment Act, 1962-63*. Short title









An Act to amend  
The Public Libraries Act

---

*1st Reading*

December 6th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

March 6th, 1963

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MR. DAVIS

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# **BILL 24**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Labour Relations Act**

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**MR. GISBORN**

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THE LABOUR RELATIONS ACT  
1947

THE LABOUR RELATIONS ACT

#### EXPLANATORY NOTE

The section repealed empowers a municipality to declare that *The Labour Relations Act* does not apply to it in its relations with its employees.

1947

**BILL 24**

**1962-63**

**An Act to amend The Labour Relations Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 89 of *The Labour Relations Act* is repealed. R.S.O. 1960,  
c. 202, s. 89,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Labour Relations Amendment Act, 1962-63*. Short title



*1st Reading*

December 7th, 1962

*2nd Reading*

*3rd Reading*

MR. GISBORN

# **BILL 25**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to provide for Inspection of Meat for Human Consumption**

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**MR. STRWAET**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

THE BUREAU OF MEAT INSPECTION  
AND THE BUREAU OF ANIMAL INDUSTRY

for and to provide for inspection of meat  
for human consumption

**EXPLANATORY NOTE**

This Bill provides for the inspection and control of meat intended for human consumption and of the plants where the animals are slaughtered.

THE BUREAU OF MEAT INSPECTION  
AND THE BUREAU OF ANIMAL INDUSTRY

BILL 25

1962-63

## An Act to provide for Inspection of Meat for Human Consumption

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "animal" means a domestic animal the meat of which is intended to be used for human consumption, and includes poultry;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "establishment" means an establishment operating under the *Meat Inspection Act* (Canada); 1955, c. 36  
(Can.)
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture;
- (f) "plant" means a premises where animals are slaughtered;
- (g) "poultry" means chickens, ducks, geese, turkeys and other birds;
- (h) "regulations" means the regulations made under this Act;
- (i) "slaughter" means slaughter for the purpose of processing meat into food for human consumption.

**2.—(1)** Except as provided in the regulations, no person shall slaughter an animal unless the animal has been inspected by an inspector immediately before the time of slaughter. Slaughtering  
of animals

Sale, etc.,  
of meat

(2) Except as provided in the regulations, no person shall sell, offer for sale, transport or deliver to any person meat unless,

(a) the animal from which the meat was obtained was inspected by an inspector as provided in subsection 1;

(b) the slaughter of the animal took place at a plant that complies with this Act and the regulations, or at an establishment; and

(c) the meat is stamped with an inspection legend or is labelled, as provided in the regulations.

Licensing

3.—(1) No person shall engage in the business of operating a plant other than an establishment without a licence therefor from the Commissioner.

Refusal to  
issue licence

(2) The Commissioner may, after a hearing, refuse to issue a licence under subsection 1 for any reason that he deems proper.

Appeal

(3) Any person to whom the Commissioner has refused to issue a licence under subsection 2 may appeal the decision of the Commissioner to the Minister, and the Minister may confirm the decision or order the licence to be issued.

Inspectors

4.—(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary to carry out and enforce this Act and the regulations.

Certificate  
of appoint-  
ment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers

(3) For the purpose of carrying out his duties under this Act, the Commissioner or an inspector may enter any premises or building and may inspect the premises or building and any animal or meat therein.

Obstruction  
of Commis-  
sioner or  
inspector

5. No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information.

Agreements  
with Canada

6. Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada, or any agency thereof, providing for,



- (a) the more efficient carrying out within Ontario of the purpose and intent of this Act;
- (b) the determining of areas of responsibility of the governments of Canada and Ontario in respect of matters mentioned in this Act; and
- (c) the payment of money required for services performed by the Government of Canada in the carrying out of any matter determined by an agreement as an area of responsibility of the Government of Ontario.

7. Where the provisions of any by-law of a local municipality are in conflict with this Act or the regulations, the provisions of this Act and the regulations prevail. Conflict with by-law of local municipality

8.—(1) Every medical officer of health is *ex officio* an inspector under this Act within the area under his jurisdiction. Medical officer of health, *ex officio* inspector

(2) A person appointed by the council of a local municipality or by a health unit as an inspector under the direction of the medical officer of health of the local municipality or health unit, as the case may be, is *ex officio* an inspector under this Act within the area under the jurisdiction of the medical officer of health. Municipal inspectors

9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. Offences

10. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences and prescribing the fees payable for licences or the renewal thereof;
- (b) prescribing conditions for licensing;
- (c) prescribing the powers and duties of the Commissioner and of inspectors or any class thereof;
- (d) respecting the facilities and equipment to be provided and maintained at plants and the operation of plants;

- (e) respecting cleanliness and sanitation at plants;
- (f) requiring and governing the detention and disposal of any animal or meat thereof and prescribing the procedures therefor;
- (g) prescribing the records to be made and kept by operators of plants;
- (h) providing for the exemption from the Act or the regulations, or any provision thereof, of any person or class of persons, or of any animal or class of animals and the meat thereof, and prescribing the terms and conditions therefor;
- (i) prescribing the terms and conditions under which animals and meat may be inspected at any plant and the fees payable for inspections;
- (j) providing for the stamping with an inspection legend at a plant of meat that is fit for human consumption;
- (k) providing for the labelling at a plant of meat that is fit for human consumption;
- (l) prescribing forms and providing for their use;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**13.** This Act may be cited as *The Meat Inspection Act (Ontario)*, 1962-63.



---

*1st Reading*

December 7th, 1962

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 25**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to provide for Inspection of Meat for Human Consumption**

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**MR. STEWART**

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*(Reprinted as amended by the Committee on Agriculture)*



EXPLANATORY NOTE

This Bill provides for the inspection and control of meat intended for human consumption and of the plants where the animals are slaughtered.

BILL 25

1962-63

## An Act to provide for Inspection of Meat for Human Consumption

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "animal" means a domestic animal the meat of which is intended to be used for human consumption, and includes poultry;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "establishment" means an establishment operating under the *Meat Inspection Act* (Canada); 1955, c. 36  
(Can.)
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture ;
- (f) "plant" means a premises where animals are slaughtered;
- (g) "poultry" means chickens, ducks, geese, turkeys and other birds;
- (h) "regulations" means the regulations made under this Act;
- (i) "slaughter" means slaughter for the purpose of processing meat into food for human consumption.

**2.—(1)** Except as provided in the regulations, no person shall slaughter an animal unless the animal has been inspected by an inspector immediately before the time of slaughter. Slaughtering  
of animals

Sale, etc.,  
of meat

(2) Except as provided in the regulations, no person shall sell, offer for sale, transport or deliver to any person meat unless,

- (a) the animal from which the meat was obtained was inspected by an inspector as provided in subsection 1;
- (b) the slaughter of the animal took place at a plant that complies with this Act and the regulations, or at an establishment; and
- (c) the meat is stamped with an inspection legend or is labelled, as provided in the regulations.

Licensing

**3.—**(1) No person shall engage in the business of operating a plant other than an establishment without a licence therefor from the Commissioner.

Refusal to  
issue licence

(2) The Commissioner may, after a hearing, refuse to issue a licence under subsection 1 for any reason that he deems proper.

Appeal

(3) Any person to whom the Commissioner has refused to issue a licence under subsection 2 may appeal the decision of the Commissioner to the Minister, and the Minister may confirm the decision or order the licence to be issued.

Inspectors

**4.—**(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary to carry out and enforce this Act and the regulations.

Certificate  
of appoint-  
ment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers

(3) For the purpose of carrying out his duties under this Act, the Commissioner or an inspector may enter any premises or building and may inspect the premises or building and any animal or meat therein.

Obstruction  
of Commis-  
sioner or  
inspector

**5.** No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information.

Agreements  
with Canada

**6.** Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada, or any agency thereof, providing for,

- (a) the more efficient carrying out within Ontario of the purpose and intent of this Act;
- (b) the performance by the Government of Canada, on behalf of the Government of Ontario, of functions and services under this Act that are the responsibility of the Government of Ontario; and
- (c) the payment of money required for functions and services performed by the Government of Canada under clause b.

7. Where the provisions of any by-law of a local municipality are in conflict with this Act or the regulations, the provisions of this Act and the regulations prevail. Conflict with by-law of local municipality

8.—(1) Every medical officer of health is *ex officio* an inspector under this Act within the area under his jurisdiction. Medical officer of health, *ex officio* inspector

(2) A person appointed by the council of a local municipality or by a health unit as an inspector under the direction of the medical officer of health of the local municipality or health unit, as the case may be, is *ex officio* an inspector under this Act within the area under the jurisdiction of the medical officer of health. Municipal inspectors

9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. Offences

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- (k) providing for the labelling at a plant of meat that is fit for human consumption;
- (l) prescribing forms and providing for their use;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-  
ment**

**11.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**12.** This Act may be cited as *The Meat Inspection Act (Ontario), 1962-63*.





An Act to provide for Inspection of Meat  
for Human Consumption

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*1st Reading*

December 7th, 1962

*2nd Reading*

December 17th, 1962

*3rd Reading*

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MR. STEWART

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*(Reprinted as amended by the Committee  
on Agriculture)*

# **BILL 25**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to provide for Inspection of Meat for Human Consumption**

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**MR. STEWART**

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BILL 25

1962-63

## An Act to provide for Inspection of Meat for Human Consumption

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(2) The Commissioner may, after a hearing, refuse to issue a licence under subsection 1 for any reason that he deems proper.

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(3) Any person to whom the Commissioner has refused to issue a licence under subsection 2 may appeal the decision of the Commissioner to the Minister, and the Minister may confirm the decision or order the licence to be issued.

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(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

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(3) For the purpose of carrying out his duties under this Act, the Commissioner or an inspector may enter any premises or building and may inspect the premises or building and any animal or meat therein.

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with Canada

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- (a) the more efficient carrying out within Ontario of the purpose and intent of this Act;
- (b) the performance by the Government of Canada, on behalf of the Government of Ontario, of functions and services under this Act that are the responsibility of the Government of Ontario; and
- (c) the payment of money required for functions and services performed by the Government of Canada under clause b.

7. Where the provisions of any by-law of a local municipality are in conflict with this Act or the regulations, the provisions of this Act and the regulations prevail. Conflict with by-law of local municipality

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(2) A person appointed by the council of a local municipality or by a health unit as an inspector under the direction of the medical officer of health of the local municipality or health unit, as the case may be, is *ex officio* an inspector under this Act within the area under the jurisdiction of the medical officer of health. Municipal inspectors

9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. Offences

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- (j) providing for the stamping with an inspection legend at a plant of meat that is fit for human consumption;
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- (l) prescribing forms and providing for their use;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**11.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**12.** This Act may be cited as *The Meat Inspection Act (Ontario)*, 1962-63.





An Act to provide for Inspection of Meat  
for Human Consumption

---

*1st Reading*

December 7th, 1962

*2nd Reading*

December 17th, 1962

*3rd Reading*

December 19th, 1962

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MR. STEWART

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# **BILL 26**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Income Tax Act, 1961-62**

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**MR. ALLAN (Haldimand-Norfolk)**

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## EXPLANATORY NOTES

SECTION 1. This amendment corrects a reference.

SECTION 2—Subsection 1. This amendment corrects a reference.

Subsection 2. The new subsection 5 will allow a tax table to be prescribed so that certain taxpayers, in completing returns, will not be required to make the percentage computation now required. The taxpayer will merely refer to a table where the proposed tax applicable to him will be set out.

The new subsection 6 will allow a taxpayer to deduct from his tax an amount on account of tax paid in another country. The purpose of the provision is to allow deduction of an amount equal to the difference between the foreign tax credit the taxpayer was allowed prior to the new federal-provincial tax arrangements and the foreign tax credit he is able to claim under the *Income Tax Act* (Canada) at the present time. The deductible amount includes, where applicable, not only tax paid in another country in respect of salary and wages but also tax paid in respect of investment in business income.

BILL 26

1962-63

## An Act to amend The Income Tax Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 25 of subsection 1 of section 1 of *The Income Tax Act, 1961-62*, as re-enacted by subsection 3 of section 1 of *The Income Tax Amendment Act, 1961-62*, is amended by striking out "clause a" in the second line and inserting in lieu thereof "subparagraph i".

1961-62,  
c. 60, s. 1,  
subs. 1,  
par. 25  
(1961-62,  
c. 61, s. 1,  
subs. 3),  
subpar. ii,  
amended

2.—(1) Clause e of subsection 4 of section 3 of *The Income Tax Act, 1961-62*, as enacted by subsection 2 of section 3 of *The Income Tax Amendment Act, 1961-62*, is amended by striking out "section 5" in the third line and inserting in lieu thereof "section 4".

1961-62,  
c. 60, s. 3,  
subs. 4, cl. e  
(1961-62,  
c. 61, s. 3,  
subs. 2),  
amended

(2) The said section 3, as amended by section 3 of *The Income Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsections:

1961-62,  
c. 60, s. 3,  
amended

(5) An individual who, under the Federal Act, pays tax computed in accordance with subsection 2 of section 32 thereof may, in lieu of the tax under subsection 1, pay a tax computed in accordance with a prescribed table which shall be prepared in accordance with the following rules:

Special  
table

1. The table shall be divided into ranges of amounts not exceeding \$10 each and specifying the tax payable on every amount taxable within each range.
2. The tax payable on amounts taxable within one of the ranges referred to in paragraph 1 shall be the amount in dollars and even tenths parts thereof that is nearest to the

aggregate of the taxes otherwise payable under subsection 1 on the average of the highest and lowest amounts in the range.

Foreign  
tax credit

- (6) Where an individual resided in Ontario on the last day of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which any income or profits tax was paid to the government of such other country, he may deduct from the tax payable by him under this Act for that taxation year an amount equal to the lesser of,

(a) the amount, if any, by which the tax paid to the government of such other country in respect of his income for the year exceeds the amount allowed under the Federal Act as a deduction for that taxation year by virtue of section 41 of that Act; or

(b) that proportion of the deduction allowed to the taxpayer for that taxation year by virtue of section 33 of the Federal Act that,

(i) the taxpayer's income earned in such other country for that year

is of

(ii) his income for the year.

1961-62,  
c. 60, s. 19,  
subs. 2,  
re-enacted

3. Subsection 2 of section 19 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Basis for  
appeal

- (2) An appeal from an assessment under this Act may be taken in respect of any question relating to the determination of,

(a) his residence for the purposes of this Act;

(b) his income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3; or

(c) the amount of tax payable for a taxation year based on the tax payable under the Federal Act for that year as defined in clause *a* of subsection 4 of section 3,

but no appeal from an assessment lies in respect of the computation of the tax payable under the Federal Act as defined in clause *a* of subsection 4 of section 3.

SECTION 3. Subsection 2 is re-enacted in order to set out specifically the grounds on which a taxpayer may appeal an assessment as well as to provide, as the subsection now does, for the limitation of appeals in certain matters.



SECTION 4. The new section 28a provides an alternative procedure for the collection of tax, interest and penalties where the taxpayer has not paid the tax assessed against him under the Act and has not appealed the assessment.

SECTION 5. Subsection 2 is re-enacted in order to broaden the scope of the exception to the prohibition regarding the communication of information. This will permit the communication of information between the Minister of National Revenue and the various provincial Treasurers of the agreeing provinces, as well as allowing him to provide information to the Province of Quebec where an adjusting payment may be made to Quebec under section 49a.

SECTION 6. Section 45 is re-enacted in order to put beyond doubt the application of the same procedural and evidentiary rules as are found in section 136 of the *Income Tax Act* (Canada). The subsections of the new section 45 are for the most part identical with subsections of section 136 of the *Income Tax Act* (Canada) except in the following particulars:

1. Subsection 10 (b) permits judicial notice to be taken of collection agreements.
2. Subsection 15 ensures that a document purporting to be a collection agreement can be proved without difficulty in an action in a provincial court.
3. Subsection 17 is required by reason of the relationship of the provincial tax to computations made under the *Income Tax Act* (Canada).
4. Subsection 18 is intended to ensure that documents executed by the collecting agent will be admissible in legal proceedings.
5. Subsection 19 allows the Minister of National Revenue acting as agent of the Treasurer of Ontario pursuant to a collection agreement that has been entered into by Ontario with the Minister of National Revenue to use the Royal Canadian Mounted Police as he does under the *Income Tax Act* (Canada) for federal income tax purposes.

4. *The Income Tax Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 60,  
amended

28a. The Treasurer may issue a warrant, directed to the sheriff of any county or district in which any property of the taxpayer is located or situate, for the amount of the tax, interest and penalty or any of them owing by the taxpayer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and bonding of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court. Warrant for  
collection  
of in-  
debtedness

5. Subsection 2 of section 42 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 60, s. 42,  
subs. 2,  
re-enacted

(2) Subsection 1 does not apply to the communication of information between, Where  
section not  
applicable

(a) the Minister and the Treasurer; or

(b) the Minister, acting on behalf of Ontario, and the Treasurer, the Provincial Secretary-Treasurer, or the Minister of Finance of the government of,

(i) an agreeing province, or

(ii) a non-agreeing province to which an adjusting payment may be made under subsection 2 of section 49a.

6. Section 45 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 60, s. 45,  
re-enacted

45.—(1) An information under this Act may be laid by any officer of the Treasury Department, by a member of the Ontario Provincial Police Force, or by any person thereunto authorized by the Treasurer, and, where an information purports to have been laid under this Act, it shall be deemed to have been laid by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant except by the Treasurer or by some person acting for him or Her Majesty. Information

(2) An information in respect of an offence under this Act may be for one or more offences, and no information, warrant, conviction or other proceeding in a Two or  
more  
offences

prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation  
of  
prosecutions  
R.S.O. 1960,  
c. 387

- (3) An information under *The Summary Convictions Act* in respect of an offence under this Act may be paid on or before a day five years from the time when the matter of the information arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof of  
service  
by mail

- (4) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof, and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending and of the request, notice or demand.

Proof of  
failure to  
comply

- (5) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of  
time of  
compliance

- (6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other



person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto.

- (7) An affidavit of an officer of the Treasury Department, <sup>Proof of documents</sup> sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that the document annexed thereto is a document or true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- (8) An affidavit of an officer of the Treasury Department, <sup>Proof of no appeal</sup> sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* evidence of the statement contained therein.
- (9) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer, nor is it necessary to prove the signature or official character of the person before whom the affidavit is sworn. <sup>Presumption</sup>

- (10) Judicial notice shall be taken of,

Judicial  
notice

- (a) all orders or regulations made under this Act;  
and

- (b) a collection agreement entered into under this Act or any agreement for the collection by Canada of the taxes imposed under the income tax statute of an agreeing province,

without such orders, regulations or agreements being specially pleaded or proven.

Proof of  
documents

- (11) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of administration or enforcement of, this Act over the name in writing of the Treasurer, his deputy, or an officer authorized by regulation to exercise powers or perform duties of the Treasurer under this Act, shall be deemed to be a document signed, made and issued by the Treasurer, his deputy or the officer unless it has been called in question by the Treasurer or by some person acting for him or Her Majesty.

Mailing  
date

- (12) For the purposes of this Act, the day of mailing of any notice of assessment or notification described in subsection 4 of section 8 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Treasurer or by some person acting for him or Her Majesty.

Date when  
assessment  
made

- (13) Where any notice of an assessment has been sent by the Treasurer as required by this Act, the assessment shall be deemed to have been made on the day of mailing of the notice of assessment.

Forms pre-  
scribed or  
authorized

- (14) Every form purporting to be a form prescribed or authorized by the Treasurer shall be deemed to be a form prescribed by order of the Treasurer under this Act unless called in question by the Treasurer or by some person acting for him or Her Majesty.

Proof of  
provision of  
collection  
agreements

- (15) A document purporting to be a collection agreement entered into under this Act or an agreement with Canada for the collection of tax imposed under the income tax statute of an agreeing province that is,

- (a) published in the *Canada Gazette*; or



(b) certified as such by or on behalf of,

(i) the Treasurer, or

(ii) the Provincial Treasurer, the Provincial Secretary-Treasurer or the Minister of Finance of the appropriate agreeing province,

shall be received as *prima facie* evidence of the contents thereof.

- (16) In any prosecution for an offence under this Act, the production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by him or on his behalf, shall be received as *prima facie* evidence that such return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf. Proof of return

- (17) Every certificate by the Treasurer as to, Proof of certificate of the Treasurer
- (a) a taxpayer's tax payable under the Federal Act as defined in clause *a* of subsection 4 of section 3; or
- (b) a taxpayer's income for the year as defined in clause *d* of subsection 4 of section 3,

is *prima facie* evidence that a taxpayer's tax payable under the Federal Act, or his income for the year, as the case may be, is the amount set out therein.

- (18) Where a collection agreement is entered into, any document or certificate that is executed or issued by the Minister, the Deputy Minister of the Department of National Revenue for Taxation, or an official of the Department of National Revenue on behalf or in place of the Treasurer, his deputy or an officer of his Department, shall be deemed, for all purposes of this Act, to be executed or issued by the Treasurer, his deputy or an officer of the Treasury Department, as the case may be. Certificates of the Minister of National Revenue and his officials
- (19) Where a collection agreement is entered into, a reference in this section to the Ontario Provincial Police Force shall be construed as a reference to the Royal Canadian Mounted Police. Royal Canadian Mounted Police

1961-62,  
c. 60, s. 49a,  
(1961-62,  
c. 61, s. 8),  
subs. 1,  
amended

7.—(1) Subsection 1 of section 49a of *The Income Tax Act*, 1961-62, as enacted by section 8 of *The Income Tax Amendment Act*, 1961-62, is amended by adding thereto the following clause:

(aa) "amount deducted or withheld" does not include any refund made in respect of that amount.

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 49a is repealed and the following substituted therefor:

Adjustments  
between  
Ontario and  
non-  
agreeing  
province

(2) Where in respect of a taxation year a non-agreeing province is authorized to make a payment to Ontario that, in the opinion of the Treasurer, corresponds to an adjusting payment, the Lieutenant Governor in Council may authorize the Treasurer to make an adjusting payment to that non-agreeing province and enter into any agreement that may be necessary to carry out the purposes of this section.

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subss. 4, 5,  
re-enacted

(3) Subsections 4 and 5 of the said section 49a are repealed and the following substituted therefor:

Calculation  
of adjusting  
payment

(4) The adjusting payment to be made under this section shall be in an amount that is equal to the aggregate of the amounts deducted or withheld under section 9 in respect of the tax payable for a taxation year by individuals who,

(a) file returns under the Federal Act;

(b) are taxable thereunder in respect of that year; and

(c) are resident on the last day of that year in the non-agreeing province to which the adjusting payment is to be made.

Where no  
action by  
employee

(5) Where an adjusting payment is to be made and there has been an amount deducted or withheld under section 9 on account of the tax for a taxation year of an individual who is taxable under the Federal Act in respect of that year and who is resident on the last day of that taxation year in the non-agreeing province,

(a) no action lies for the recovery of such amount by that individual; and

SECTION 7. Section 49a of the Act is amended in minor particulars. The section as amended will permit a transfer to a non-agreeing province of an amount equal to the amount of the deductions at source made from persons who were resident in Ontario during the taxation year but who became resident in the non-agreeing province before the last day of that year. This section will be effective only in those cases where the non-agreeing province provides legislation permitting a similar transfer in respect of persons who were resident during the taxation year in the non-agreeing province but were resident on the last day of the year in Ontario.

SECTION 8. A typographical error is corrected.

- (b) the amount may not be applied in discharge of any liability of that individual under this Act.

(4) Subsection 8 of the said section 49a is repealed and the following substituted therefor:

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 8,  
re-enacted

- (8) Where a collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of Ontario and to make an adjusting payment on behalf of Ontario, the adjusting payment,

Adjusting  
payment to  
non-  
agreeing  
province  
under  
collection  
agreement

- (a) shall be made out of any moneys that have been collected on account of tax under this Act for any taxation year; and

- (b) shall be the amount calculated by the Minister to be the amount required to be paid under section 4,

and the payment thereof discharges any obligations the Government of Canada may have with respect to the payment to Ontario of any amount deducted or withheld under section 9 to which subsection 5 applies.

**8.**—(1) Subsection 1 of section 9 of *The Income Tax Amendment Act, 1961-62* is amended by striking out “section 7” in the first line and inserting in lieu thereof “section 8”.

1961-62,  
c. 61, s. 9,  
subs. 1,  
amended

(2) Subsection 2 of the said section 9 is amended by striking out “Section 7” in the first line and inserting in lieu thereof “Section 8”.

1961-62,  
c. 61, s. 9,  
subs. 2,  
amended

**9.**—(1) This Act, except section 7, applies in respect of the taxation year 1962 and in respect of subsequent taxation years.

Application  
of Act

(2) Section 7 applies in respect of the taxation year 1963 and in respect of subsequent taxation years.

Idem

**10.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**11.** This Act may be cited as *The Income Tax Amendment Act, 1962-63*.

Short title



*1st Reading*

December 11th, 1962

*2nd Reading*

*3rd Reading*

MR. ALLAN (Haldimand-Norfolk)

# BILL 26

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Income Tax Act, 1961-62

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MR. ALLAN (Haldimand-Norfolk)

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THE GREAT WALL OF CHINA  
 SECTION II. THE GREAT WALL

THE GREAT WALL OF CHINA

THE GREAT WALL OF CHINA

BILL 26

1962-63

## An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 25 of subsection 1 of section 1 of *The Income Tax Act, 1961-62*, as re-enacted by subsection 3 of section 1 of *The Income Tax Amendment Act, 1961-62*, is amended by striking out "clause a" in the second line and inserting in lieu thereof "subparagraph i".

1961-62,  
c. 60, s. 1,  
subs. 1,  
par. 25  
(1961-62,  
c. 61, s. 1,  
subs. 3),  
subpar. ii,  
amended

2.—(1) Clause e of subsection 4 of section 3 of *The Income Tax Act, 1961-62*, as enacted by subsection 2 of section 3 of *The Income Tax Amendment Act, 1961-62*, is amended by striking out "section 5" in the third line and inserting in lieu thereof "section 4".

1961-62,  
c. 60, s. 3,  
subs. 4, cl. e  
(1961-62,  
c. 61, s. 3,  
subs. 2),  
amended

(2) The said section 3, as amended by section 3 of *The Income Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsections:

1961-62,  
c. 60, s. 3,  
amended

(5) An individual who, under the Federal Act, pays tax computed in accordance with subsection 2 of section 32 thereof may, in lieu of the tax under subsection 1, pay a tax computed in accordance with a prescribed table which shall be prepared in accordance with the following rules:

Special  
table

1. The table shall be divided into ranges of amounts not exceeding \$10 each and specifying the tax payable on every amount taxable within each range.
2. The tax payable on amounts taxable within one of the ranges referred to in paragraph 1 shall be the amount in dollars and even tenths parts thereof that is nearest to the

aggregate of the taxes otherwise payable under subsection 1 on the average of the highest and lowest amounts in the range.

Foreign  
tax credit

- (6) Where an individual resided in Ontario on the last day of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which any income or profits tax was paid to the government of such other country, he may deduct from the tax payable by him under this Act for that taxation year an amount equal to the lesser of,

(a) the amount, if any, by which the tax paid to the government of such other country in respect of his income for the year exceeds the amount allowed under the Federal Act as a deduction for that taxation year by virtue of section 41 of that Act; or

(b) that proportion of the deduction allowed to the taxpayer for that taxation year by virtue of section 33 of the Federal Act that,

(i) the taxpayer's income earned in such other country for that year

is of

(ii) his income for the year.

1961-62,  
c. 60, s. 19,  
subs. 2,  
re-enacted

**3.** Subsection 2 of section 19 of *The Income Tax Act*, 1961-62 is repealed and the following substituted therefor:

Basis for  
appeal

- (2) An appeal from an assessment under this Act may be taken in respect of any question relating to the determination of,

(a) his residence for the purposes of this Act;

(b) his income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3; or

(c) the amount of tax payable for a taxation year based on the tax payable under the Federal Act for that year as defined in clause *a* of subsection 4 of section 3,

but no appeal from an assessment lies in respect of the computation of the tax payable under the Federal Act as defined in clause *a* of subsection 4 of section 3.



4. *The Income Tax Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 60,  
amended

28a. The Treasurer may issue a warrant, directed to the sheriff of any county or district in which any property of the taxpayer is located or situate, for the amount of the tax, interest and penalty or any of them owing by the taxpayer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and bonding of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court. Warrant for  
collection  
of in-  
debtedness

5. Subsection 2 of section 42 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 60, s. 42,  
subs. 2,  
re-enacted

(2) Subsection 1 does not apply to the communication of information between, Where  
section not  
applicable

(a) the Minister and the Treasurer; or

(b) the Minister, acting on behalf of Ontario, and the Treasurer, the Provincial Secretary-Treasurer, or the Minister of Finance of the government of,

(i) an agreeing province, or

(ii) a non-agreeing province to which an adjusting payment may be made under subsection 2 of section 49a.

6. Section 45 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 60, s. 45,  
re-enacted

45.—(1) An information under this Act may be laid by any officer of the Treasury Department, by a member of the Ontario Provincial Police Force, or by any person thereunto authorized by the Treasurer, and, where an information purports to have been laid under this Act, it shall be deemed to have been laid by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant except by the Treasurer or by some person acting for him or Her Majesty. Information

(2) An information in respect of an offence under this Act may be for one or more offences, and no information, warrant, conviction or other proceeding in a Two or  
more  
offences

prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation  
of  
prosecutions  
R.S.O. 1960,  
c. 387

- (3) An information under *The Summary Convictions Act* in respect of an offence under this Act may be paid on or before a day five years from the time when the matter of the information arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof of  
service  
by mail

- (4) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address, and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof, and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending and of the request, notice or demand.

Proof of  
failure to  
comply

- (5) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of  
time of  
compliance

- (6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department, sworn before a commissioner or other

person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto.

- (7) An affidavit of an officer of the Treasury Department, <sup>Proof of documents</sup> sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that the document annexed thereto is a document or true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- (8) An affidavit of an officer of the Treasury Department, <sup>Proof of no appeal</sup> sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* evidence of the statement contained therein.
- (9) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer, nor is it necessary to prove the signature or official character of the person before whom the affidavit is sworn. <sup>Presumption</sup>

- (10) Judicial notice shall be taken of,

Judicial  
notice

- (a) all orders or regulations made under this Act;  
and



- (b) a collection agreement entered into under this Act or any agreement for the collection by Canada of the taxes imposed under the income tax statute of an agreeing province,

without such orders, regulations or agreements being specially pleaded or proven.

Proof of documents

- (11) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of administration or enforcement of, this Act over the name in writing of the Treasurer, his deputy, or an officer authorized by regulation to exercise powers or perform duties of the Treasurer under this Act, shall be deemed to be a document signed, made and issued by the Treasurer, his deputy or the officer unless it has been called in question by the Treasurer or by some person acting for him or Her Majesty.

Mailing date

- (12) For the purposes of this Act, the day of mailing of any notice of assessment or notification described in subsection 4 of section 8 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Treasurer or by some person acting for him or Her Majesty.

Date when assessment made

- (13) Where any notice of an assessment has been sent by the Treasurer as required by this Act, the assessment shall be deemed to have been made on the day of mailing of the notice of assessment.

Forms prescribed or authorized

- (14) Every form purporting to be a form prescribed or authorized by the Treasurer shall be deemed to be a form prescribed by order of the Treasurer under this Act unless called in question by the Treasurer or by some person acting for him or Her Majesty.

Proof of provision of collection agreements

- (15) A document purporting to be a collection agreement entered into under this Act or an agreement with Canada for the collection of tax imposed under the income tax statute of an agreeing province that is,

- (a) published in the *Canada Gazette*; or

(b) certified as such by or on behalf of,

(i) the Treasurer, or

(ii) the Provincial Treasurer, the Provincial Secretary-Treasurer or the Minister of Finance of the appropriate agreeing province,

shall be received as *prima facie* evidence of the contents thereof.

- (16) In any prosecution for an offence under this Act, the production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by him or on his behalf, shall be received as *prima facie* evidence that such return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf. Proof of return

- (17) Every certificate by the Treasurer as to,

(a) a taxpayer's tax payable under the Federal Act as defined in clause *a* of subsection 4 of section 3; or

(b) a taxpayer's income for the year as defined in clause *d* of subsection 4 of section 3,

is *prima facie* evidence that a taxpayer's tax payable under the Federal Act, or his income for the year, as the case may be, is the amount set out therein. Proof of certificate of the Treasurer

- (18) Where a collection agreement is entered into, any document or certificate that is executed or issued by the Minister, the Deputy Minister of the Department of National Revenue for Taxation, or an official of the Department of National Revenue on behalf or in place of the Treasurer, his deputy or an officer of his Department, shall be deemed, for all purposes of this Act, to be executed or issued by the Treasurer, his deputy or an officer of the Treasury Department, as the case may be. Certificates of the Minister of National Revenue and his officials

- (19) Where a collection agreement is entered into, a reference in this section to the Ontario Provincial Police Force shall be construed as a reference to the Royal Canadian Mounted Police. Royal Canadian Mounted Police



1961-62,  
c. 60, s. 49a,  
(1961-62,  
c. 61, s. 8),  
subs. 1,  
amended

7.—(1) Subsection 1 of section 49a of *The Income Tax Act*, 1961-62, as enacted by section 8 of *The Income Tax Amendment Act*, 1961-62, is amended by adding thereto the following clause:

(aa) "amount deducted or withheld" does not include any refund made in respect of that amount.

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 49a is repealed and the following substituted therefor:

Adjustments  
between  
Ontario and  
non-  
agreeing  
province

(2) Where in respect of a taxation year a non-agreeing province is authorized to make a payment to Ontario that, in the opinion of the Treasurer, corresponds to an adjusting payment, the Lieutenant Governor in Council may authorize the Treasurer to make an adjusting payment to that non-agreeing province and enter into any agreement that may be necessary to carry out the purposes of this section.

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 4, 5,  
re-enacted

(3) Subsections 4 and 5 of the said section 49a are repealed and the following substituted therefor:

Calculation  
of adjusting  
payment

(4) The adjusting payment to be made under this section shall be in an amount that is equal to the aggregate of the amounts deducted or withheld under section 9 in respect of the tax payable for a taxation year by individuals who,

(a) file returns under the Federal Act;

(b) are taxable thereunder in respect of that year; and

(c) are resident on the last day of that year in the non-agreeing province to which the adjusting payment is to be made.

Where no  
action by  
employee

(5) Where an adjusting payment is to be made and there has been an amount deducted or withheld under section 9 on account of the tax for a taxation year of an individual who is taxable under the Federal Act in respect of that year and who is resident on the last day of that taxation year in the non-agreeing province,

(a) no action lies for the recovery of such amount by that individual; and

- (b) the amount may not be applied in discharge of any liability of that individual under this Act.

1961-62,  
c. 60, s. 49a  
(1961-62,  
c. 61, s. 8),  
subs. 8,  
re-enacted

(4) Subsection 8 of the said section 49a is repealed and the following substituted therefor:

- (8) Where a collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of Ontario and to make an adjusting payment on behalf of Ontario, the adjusting payment,

Adjusting  
payment to  
non-  
agreeing  
province  
under  
collection  
agreement

- (a) shall be made out of any moneys that have been collected on account of tax under this Act for any taxation year; and

- (b) shall be the amount calculated by the Minister to be the amount required to be paid under section 4,

and the payment thereof discharges any obligations the Government of Canada may have with respect to the payment to Ontario of any amount deducted or withheld under section 9 to which subsection 5 applies.

**8.**—(1) Subsection 1 of section 9 of *The Income Tax Amendment Act, 1961-62* is amended by striking out "section 7" in the first line and inserting in lieu thereof "section 8".

1961-62,  
c. 61, s. 9,  
subs. 1,  
amended

(2) Subsection 2 of the said section 9 is amended by striking out "Section 7" in the first line and inserting in lieu thereof "Section 8".

1961-62,  
c. 61, s. 9,  
subs. 2,  
amended

**9.**—(1) This Act, except section 7, applies in respect of the taxation year 1962 and in respect of subsequent taxation years.

Application  
of Act

(2) Section 7 applies in respect of the taxation year 1963 and in respect of subsequent taxation years.

Idem

**10.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**11.** This Act may be cited as *The Income Tax Amendment Act, 1962-63*.

Short title

*1st Reading*

December 11th, 1962

*2nd Reading*

December 13th, 1962

*3rd Reading*

December 19th, 1962

MR. ALLAN (Haldimand-Norfolk)

## **BILL 27**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### **An Act respecting the Interpretation of an Agreement between the Government of Canada and the Government of Ontario with respect to the Collection of Income Taxes**

---

MR. ALLAN (Haldimand-Norfolk)

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MINISTER OF JUSTICE  
OTTAWA, ONTARIO

# EXPLANATORY NOTE

The purpose of this Bill is to authorize the Court of Appeal to perform its functions under the current Canada-Ontario Agreement respecting the collection of income taxes.

A similar power is to be found in section 3 of *The Judicature Amendment Act, 1953* with respect to a similar agreement.



BILL 27

1962-63

**An Act respecting the Interpretation of an  
Agreement between the Government of  
Canada and the Government of Ontario  
with respect to the Collection of  
Income Taxes**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Court of Appeal has power to and may hear, <sup>Court of Appeal jurisdiction</sup> consider and come to an opinion on any matter referred to it under clause 20 of the agreement between the Government of Canada and the Government of Ontario mentioned in section 46 of *The Income Tax Act, 1961-62*. <sup>1961-62, c. 60</sup>

**2.** Any province of Canada that has, after the 1st day of December, 1961, entered into an agreement of a like nature <sup>Rights of other province to be heard</sup> and having like purposes to the agreement mentioned in section 1 may appear before the Court of Appeal and be heard as a party on any matter referred to the Court of Appeal under clause 20 of the agreement mentioned in section 1.

**3.** The opinion of the Court of Appeal on any matter <sup>Opinion of Court deemed judgment</sup> referred to it under clause 20 of the agreement mentioned in section 1 shall be deemed to be a judgment of the Court of Appeal for the purpose of any appeal.

**4.** This Act may be cited as *The Income Tax Agreement Act, 1962-63*. <sup>Short title</sup>

Agreement between the Government of  
Canada and the Government of Ontario  
with respect to the Collection of  
Income Taxes

*1st Reading*

December 12th, 1962

*2nd Reading*

*3rd Reading*

Mr. ALAN (Haldimand-Norfolk)

## BILL 27

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act respecting the Interpretation of an Agreement between the Government of Canada and the Government of Ontario with respect to the Collection of Income Taxes

---

MR. ALLAN (Haldimand-Norfolk)

---



BILL 27

1962-63

**An Act respecting the Interpretation of an  
Agreement between the Government of  
Canada and the Government of Ontario  
with respect to the Collection of  
Income Taxes**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Court of Appeal has power to and may hear, <sup>Court of Appeal jurisdiction</sup> consider and come to an opinion on any matter referred to it under clause 20 of the agreement between the Government of Canada and the Government of Ontario mentioned in section 46 of *The Income Tax Act, 1961-62*. <sup>1961-62, c. 60</sup>

**2.** Any province of Canada that has, after the 1st day of December, 1961, entered into an agreement of a like nature <sup>Rights of other province to be heard</sup> and having like purposes to the agreement mentioned in section 1 may appear before the Court of Appeal and be heard as a party on any matter referred to the Court of Appeal under clause 20 of the agreement mentioned in section 1.

**3.** The opinion of the Court of Appeal on any matter <sup>Opinion of Court deemed judgment</sup> referred to it under clause 20 of the agreement mentioned in section 1 shall be deemed to be a judgment of the Court of Appeal for the purpose of any appeal.

**4.** This Act may be cited as *The Income Tax Agreement Act, 1962-63*. <sup>Short title</sup>



Agreement between the Government of  
Canada and the Government of Ontario  
with respect to the Collection of

Income Taxes

*1st Reading*

December 12th, 1962

*2nd Reading*

December 14th, 1962

*3rd Reading*

December 19th, 1962

MR. ALLAN (Haldimand-Norfolk)

## **BILL 28**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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### **An Act to provide for the Disposition of Bodies and Parts thereof of Deceased Persons for Therapeutic and Other Purposes**

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**MR. DYMOND**

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#### EXPLANATORY NOTE

This new Act is an extension of *The Cornea Transplant Act* and is the same in principle as the *Human Tissue Act* passed in the United Kingdom in 1961.

BILL 28

1962-63

**An Act to provide for the Disposition of Bodies  
and Parts thereof of Deceased Persons for  
Therapeutic and Other Purposes**

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "donor" means a person who,

(i) in writing at any time, or

(ii) orally in the presence of at least two witnesses during his last illness has requested that his body or a specified part or parts thereof be used after his death for therapeutic purposes or for the purposes of medical education or research;

(b) "person lawfully in possession of the body" does not include,

(i) a coroner in possession of a body for the purpose of investigation, or

(ii) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

**2.—(1)** Where a donor dies in a hospital, the administrative head of the hospital or the person acting in that capacity may authorize, <sup>Death in hospital</sup>

(a) the use of the body; or

(b) the removal of the part or parts of the body specified by the donor and the use thereof,

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor.

Idem, where  
body not  
required

(2) Where a donor has requested that his body be used after his death for any of the purposes mentioned in this Act and he dies in a hospital, the administrative head of the hospital or the person acting in that capacity, in the event that he does not require the use of the body, shall immediately notify the local inspector of anatomy who shall thereupon take control of the body and cause it to be delivered to a person qualified to receive unclaimed bodies under section 5 of *The Anatomy Act* for the purposes of that Act.

R.S.O. 1960,  
c. 14

Death  
outside  
hospital

3. Where a donor dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of his body may authorize,

- (a) the use of the body; or
- (b) the removal of the part or parts of the body specified by the donor and the use thereof,

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor.

Without  
deceased's  
consent

4. Where a person has not made a request to be a donor and dies either in or outside a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of any specified part or parts from the body of the deceased person by a duly qualified medical practitioner and their use for therapeutic purposes or for the purposes of medical education or research.

Authority  
sufficient

5. An authority given,

- (a) under section 2 or 3 is sufficient warrant for use of the body; and
- (b) under section 2, 3 or 4 is sufficient warrant for the removal of the specified part or parts of the body and the use thereof,

for therapeutic purposes or for the purposes of medical education or research, as the case may be.



**6.**—(1) An authority shall not be given under section 2 or 3 <sup>Exceptions</sup> if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

(2) An authority shall not be given under section 4 if the <sup>Idem</sup> person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

(3) An authority shall not be given under section 2, 3 or 4 <sup>Idem</sup> if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

**7.** Nothing in this Act makes unlawful any dealing with the <sup>Lawful</sup> body of a deceased person that would be lawful if this Act <sup>dealings</sup> had not been passed. <sup>not</sup> <sup>affected</sup>

**8.** *The Cornea Transplant Act* is repealed.

R.S.O. 1960,  
c. 68,  
repealed

**9.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**10.** This Act may be cited as *The Human Tissue Act*, <sup>Short title</sup> 1962-63.





an act to provide for the disposition of  
Bodies and Parts thereof of Deceased  
Persons for Therapeutic and  
Other Purposes

---

*1st Reading*

December 12th, 1962

*2nd Reading*

*3rd Reading*

---

MR. DYMOND

---

# **BILL 28**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to provide for the Disposition of Bodies and Parts thereof of Deceased Persons for Therapeutic and Other Purposes**

---

MR. DYMOND

---



THE HOUSE OF REPRESENTATIVES  
 111th CONGRESS, 1ST SESSION  
 2009

AN ACT to provide for the Disposition of Bodies  
 and Parts thereof of Deceased Persons for  
 Therapeutic and Other Purposes

THE HOUSE

BILL 28

1962-63

## An Act to provide for the Disposition of Bodies and Parts thereof of Deceased Persons for Therapeutic and Other Purposes

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "donor" means a person who,

(i) in writing at any time, or

(ii) orally in the presence of at least two witnesses during his last illness has requested that his body or a specified part or parts thereof be used after his death for therapeutic purposes or for the purposes of medical education or research;

(b) "person lawfully in possession of the body" does not include,

(i) a coroner in possession of a body for the purpose of investigation, or

(ii) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

**2.**—(1) Where a donor dies in a hospital, the administrative head of the hospital or the person acting in that capacity may authorize, Death in  
hospital

(a) the use of the body; or

(b) the removal of the part or parts of the body specified by the donor and the use thereof,

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor.

Idem, where  
body not  
required

(2) Where a donor has requested that his body be used after his death for any of the purposes mentioned in this Act and he dies in a hospital, the administrative head of the hospital or the person acting in that capacity, in the event that he does not require the use of the body, shall immediately notify the local inspector of anatomy who shall thereupon take control of the body and cause it to be delivered to a person qualified to receive unclaimed bodies under section 5 of *The Anatomy Act* for the purposes of that Act.

R.S.O. 1960,  
c. 14

Death  
outside  
hospital

3. Where a donor dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of his body may authorize,

(a) the use of the body; or

(b) the removal of the part or parts of the body specified by the donor and the use thereof,

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor.

Without  
deceased's  
consent

4. Where a person has not made a request to be a donor and dies either in or outside a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of any specified part or parts from the body of the deceased person by a duly qualified medical practitioner and their use for therapeutic purposes or for the purposes of medical education or research.

Authority  
sufficient

5. An authority given,

(a) under section 2 or 3 is sufficient warrant for use of the body; and

(b) under section 2, 3 or 4 is sufficient warrant for the removal of the specified part or parts of the body and the use thereof,

for therapeutic purposes or for the purposes of medical education or research, as the case may be.

**6.**—(1) An authority shall not be given under section 2 or 3 <sup>Exceptions</sup> if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

(2) An authority shall not be given under section 4 if the <sup>Idem</sup> person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

(3) An authority shall not be given under section 2, 3 or 4 <sup>Idem</sup> if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

**7.** Nothing in this Act makes unlawful any dealing with the <sup>Lawful</sup> body of a deceased person that would be lawful if this Act <sup>dealings</sup> had not been passed. <sup>not affected</sup>

**8.** *The Cornea Transplant Act* is repealed.

R.S.O. 1960,  
c. 68,  
repealed

**9.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**10.** This Act may be cited as *The Human Tissue Act*, <sup>Short title</sup> 1962-63.







an act to provide for the Disposition of  
Bodies and Parts thereof of Deceased  
Persons for Therapeutic and  
Other Purposes

---

*1st Reading*

December 12th, 1962

*2nd Reading*

February 6th, 1963

*3rd Reading*

April 3rd, 1963

---

MR. DYMOND

---

## **BILL 29**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### **An Act to amend The County Judges Act**

---

MR. CASS

---

THE COURT JUDGES' ALLOWANCES ACT  
(1911)

THE COURT JUDGES' ALLOWANCES ACT

# EXPLANATORY NOTE

The purpose of this Bill is to make uniform and simplify the allowances payable by the Province to county and district court judges.

BILL 29

1962-63

## An Act to amend The County Judges Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 9 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 9, as amended by subsection 1 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed and the following substituted therefor: subs. 1, re-enacted

(1) There shall be paid,

Judges' allowances

(a) to the chief judge, an allowance at the rate of \$7,000 per annum;

(b) to the judge of the county court of the county of York, an allowance at the rate of \$4,500 per annum;

(c) to the judge of every other county and district court, to every junior judge of a county or district court, and to every judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$3,500 per annum.

(2) Subsections 2, 3, 4 and 5 of the said section 9 are repealed and the following substituted therefor:

R.S.O. 1960, c. 77, s. 9, subs. 2, re-enacted; subs. 3-5, repealed

(2) The allowances under subsection 1 are payable monthly out of the Consolidated Revenue Fund.

When allowances payable

(3) Subsection 9 of the said section 9, as enacted by subsection 2 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 77, s. 9, subs. 9 (1961-62, c. 25, s. 5, subs. 2), repealed



Commence-  
ment

**2.—**(1) This Act comes into force on the 1st day of January, 1963.

1962  
allowance  
under  
R.S.O. 1960,  
c. 77, s. 9,  
subss. 2, 3

(2) Every allowance payable under subsection 2 or 3 of section 9 of *The County Judges Act* in respect of the year 1962 shall, notwithstanding any other provision in that behalf, be paid out of the Consolidated Revenue Fund at the rate of \$2,000 per annum.

Short title

**3.** This Act may be cited as *The County Judges Amendment Act, 1962-63*.







An Act to amend  
The County Judges Act

---

*1st Reading*

December 13th, 1962

*2nd Reading*

*3rd Reading*

---

MR. CASS

---



# **BILL 29**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The County Judges Act**

---

MR. CASS

---

*(Reprinted as amended by the Committee on Legal Bills)*

PROPOSED AMENDMENTS TO THE COURT JUDGES ACT  
1911 CHAPTER 111

AN ACT TO AMEND THE COURT JUDGES ACT

# EXPLANATORY NOTE

The purpose of this Bill is to make uniform and simplify the allowances payable by the Province to county and district court judges.

BILL 29

1962-63

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 9 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 9, as amended by subsection 1 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed and the following substituted therefor:

(1) There shall be paid,

Judges' allowances

- (a) to the chief judge, an allowance at the rate of \$7,000 per annum;
- (b) to the judge of the county court of the county of York, an allowance at the rate of \$4,500 per annum;
- (c) to the judge of every other county and district court, to every junior judge of a county or district court, and to every judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$3,500 per annum.

(2) Subsections 2, 3, 4 and 5 of the said section 9 are repealed and the following substituted therefor:

R.S.O. 1960, c. 77, s. 9, subs. 2, re-enacted; subs. 3-5, repealed

(2) The allowances under subsection 1 are payable monthly out of the Consolidated Revenue Fund.

When allowances payable

(3) Subsection 9 of the said section 9, as enacted by subsection 2 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 77, s. 9, subs. 9 (1961-62, c. 25, s. 5, subs. 2), repealed

Commence-  
ment

**2.**—(1) This Act shall be deemed to have come into force on the 1st day of January, 1963.

1962  
allowance  
under  
R.S.O. 1960,  
c. 77, s. 9,  
subss. 2, 3

(2) Every allowance payable under subsection 2 or 3 of section 9 of *The County Judges Act* in respect of the year 1962 shall, notwithstanding any other provision in that behalf, be paid out of the Consolidated Revenue Fund at the rate of \$2,000 per annum.

Short title

**3.** This Act may be cited as *The County Judges Amendment Act, 1962-63*.









An Act to amend  
The County Judges Act

---

*1st Reading*

December 13th, 1962

*2nd Reading*

February 6th, 1963

*3rd Reading*

---

Mr. Cass

---

(Reprinted as amended by the  
Committee on Legal Bills)

# **BILL 29**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The County Judges Act**

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**MR. CASS**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



AND RESOLUTIONS PASSED BY THE SENATE  
JANUARY 11, 1904

An Act to amend The County Judges Act

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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BILL 29

1962-63

## An Act to amend The County Judges Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 9 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 9, subs. 1, re-enacted as amended by subsection 1 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed and the following substituted therefor:

(1) There shall be paid,

Judges' allowances

(a) to the chief judge, an allowance at the rate of \$7,000 per annum;

(b) to the judge of the county court of the county of York, an allowance at the rate of \$4,500 per annum;

(c) to the judge of every other county and district court, to every junior judge of a county or district court, and to every judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$3,500 per annum.

(2) Subsections 2, 3, 4 and 5 of the said section 9 are repealed and the following substituted therefor:

R.S.O. 1960, c. 77, s. 9, subs. 2, re-enacted; subs. 3-5, repealed

(2) The allowances under subsection 1 are payable monthly out of the Consolidated Revenue Fund.

When allowances payable

(3) Subsection 9 of the said section 9, as enacted by subsection 2 of section 5 of *The County Judges Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 77, s. 9, subs. 9 (1961-62, c. 25, s. 5, subs. 2), repealed

Commence-  
ment

**2.**—(1) This Act shall be deemed to have come into force on the 1st day of January, 1963.

1962  
allowance  
under  
R.S.O. 1960,  
c. 77, s. 9,  
subss. 2, 3

(2) Every allowance payable under subsection 2 or 3 of section 9 of *The County Judges Act* in respect of the year 1962 shall, notwithstanding any other provision in that behalf, be paid out of the Consolidated Revenue Fund at the rate of \$2,000 per annum.

Short title

**3.** This Act may be cited as *The County Judges Amendment Act, 1962-63*.









An Act to amend  
The County Judges Act

---

*1st Reading*

December 13th, 1962

*2nd Reading*

February 6th, 1963

*3rd Reading*

April 3rd, 1963

---

Mr. Cass

---

# **BILL 30**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Election Act**

---

MR. BRYDEN

---

#### EXPLANATORY NOTES

SECTION 1. The amendment requires the statement of a candidate's election expenses to be audited by a public accountant.

SECTION 2. The new provisions require central party organizations to file audited statements of their receipts and expenditures on account of election campaigns with the Chief Election Officer, where they will be available for public inspection.

BILL 30

1962-63

## An Act to amend The Election Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 191 of *The Election Act* is amended by inserting after "him" in the eleventh line "audited by a public accountant licensed under *The Public Accountancy Act*", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 118, s. 191,  
subs. 1,  
amended

- (1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall, within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, audited by a public accountant licensed under *The Public Accountancy Act*, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Statement of election expenses, etc., to be sent by agent to R.O.

R.S.O. 1960,  
c. 317

2. *The Election Act* is amended by adding thereto the following sections:

R.S.O. 1960,  
c. 118,  
amended

- 192a.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of the central organization of a political interest represented in the election by more than twenty candidates shall, within six months after the election, be made out by the treasurer or other officer responsible for the

Statement of election contributions, expenses etc.

R.S.O. 1960,  
c. 317

accounts of such central organization, certified by a public accountant licensed under *The Public Accountancy Act* and delivered to the Chief Election Officer.

Penalty for  
default in  
delivering  
statement

- (2) Every treasurer or other officer who is in default of delivering an audited statement under subsection 1 is liable to a fine not exceeding \$25 for every day during which he is in default.

Preservation  
and  
inspection  
of  
statement

- 192b. The Chief Election Officer shall preserve all such statements and shall, during the six months following their delivery to him, permit any voter to inspect them upon payment of a fee of 25 cents.

R.S.O. 1960,  
c. 118,  
amended

3. *The Election Act* is amended by adding thereto the following section:

Maximum  
expenses of  
candidate

- 194.—(1) The total expenses incurred in an election by a candidate or on his behalf other than by the central organization of a political party, including the personal expenses of the candidate as defined in subsection 2 of section 188, shall not exceed 20 cents for each person whose name has been entered on the polling list in a rural polling subdivision and 15 cents for each person whose name has been entered on the polling list in an urban subdivision in the electoral district concerned.

Maximum  
expenses  
of political  
party

- (2) The total expenses incurred in an election by or on behalf of the central organization of a political party represented in the election by more than one candidate shall not exceed 15 cents for each person whose name has been entered on the polling lists in the electoral districts in which the political party is represented by a candidate.

Contribu-  
tions

- (3) No person or organization shall publish or cause to be published any advertisement, poster, leaflet, handbill, pamphlet, book, or other printed matter, or any announcement or programme on radio or television, or shall contribute or cause to be contributed any other commodity or service for the benefit of a candidate or political party in an election without the consent in writing of the candidate's official agent or of a duly authorized representative of the political party, as the case may be, and, where such consent is given, the cost of the publishing and the value of the contribution, excluding free time contributed by a television or radio broadcasting station or network of stations to all candidates in an electoral district



SECTION 3. The new section fixes maximum election expenses that may be incurred by candidates and parties and requires that goods or services contributed be acknowledged and included as expenses.



or to all political parties represented in the election on a basis accepted by them, shall be included in the total election expenses referred to in subsections 1 and 2.

4. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

5. This Act may be cited as *The Election Amendment Act*, <sup>Short title</sup> 1962-63.

An Act to amend The Election Act

---

*1st Reading*

December 14th, 1962

*2nd Reading*

*3rd Reading*

---

MR. BRYDEN

---

# **BILL 31**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Co-operative Loans Act**

---

**MR. STEWART**

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EXPLANATORY NOTE

Section 11a is re-enacted for purposes of clarification. The new section 11b provides authority for the making of loans to, or the guaranteeing of loans on behalf of, The Ontario Flue-Cured Tobacco Growers' Marketing Board.

BILL 31

1962-63

## An Act to amend The Co-operative Loans Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11a of *The Co-operative Loans Act*, as enacted by section 1 of *The Co-operative Loans Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 67, s. 11a  
(1961-62,  
c. 19, s. 1),  
re-enacted

11a. Where a co-operative association that has erected a building or other structure on lands owned by a railway company and entered into a lease of the lands for a term of at least twenty years applies to the Board for, Extension  
of Act

(a) a loan, and the amount of the loan applied for is more than 50 per cent of the value of the real property of the co-operative association; or

(b) a guarantee of loan,

the Lieutenant Governor in Council may extend the application of this Act to the co-operative association on such terms as he deems proper, and in any such case the lease shall be deemed to be real property for the purposes of this Act.

11b. The Lieutenant Governor in Council may extend the application of this Act to The Ontario Flue-Cured Tobacco Growers' Marketing Board, established under *The Farm Products Marketing Act*, for the purpose of enabling it to carry out the purposes of the plan under which it was established, and, notwithstanding section 5, the security for any loan to, or guarantee of any bank loan on behalf of, The Ontario Flue-Cured Tobacco Growers' Marketing Idem  
R.S.O. 1960,  
c. 137

Board may be other than by a first mortgage on the real property of The Ontario Flue-Cured Tobacco Growers' Marketing Board.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Co-operative Loans Amendment Act, 1962-63*.









An Act to amend  
The Co-operative Loans Act

---

*1st Reading*

December 14th, 1962

*2nd Reading*

*3rd Reading*

---

MR. STEWART

---

# **BILL 31**

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

## **An Act to amend The Co-operative Loans Act**

**MR. STEWART**



BILL 31

1962-63

## An Act to amend The Co-operative Loans Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11a of *The Co-operative Loans Act*, as enacted by section 1 of *The Co-operative Loans Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 67, s. 11a  
(1961-62,  
c. 19, s. 1),  
re-enacted

11a. Where a co-operative association that has erected a building or other structure on lands owned by a railway company and entered into a lease of the lands for a term of at least twenty years applies to the Board for, Extension  
of Act

(a) a loan, and the amount of the loan applied for is more than 50 per cent of the value of the real property of the co-operative association; or

(b) a guarantee of loan,

the Lieutenant Governor in Council may extend the application of this Act to the co-operative association on such terms as he deems proper, and in any such case the lease shall be deemed to be real property for the purposes of this Act.

11b. The Lieutenant Governor in Council may extend the application of this Act to The Ontario Flue-Cured Tobacco Growers' Marketing Board, established under *The Farm Products Marketing Act*, for the purpose of enabling it to carry out the purposes of the plan under which it was established, and, notwithstanding section 5, the security for any loan to, or guarantee of any bank loan on behalf of, The Ontario Flue-Cured Tobacco Growers' Marketing Idem  
R.S.O. 1960,  
c. 137



Board may be other than by a first mortgage on the real property of The Ontario Flue-Cured Tobacco Growers' Marketing Board.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Co-operative Loans Amendment Act, 1962-63*.







An Act to amend  
The Co-operative Loans Act

---

*1st Reading*

December 14th, 1962

*2nd Reading*

December 18th, 1962

*3rd Reading*

December 19th, 1962

---

MR. STEWART

---



## BILL 32

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Telephone Act

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MR. STEWART

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1. The requirement for a quorum is changed from a majority to two members.

SECTION 2. The amendment provides for a fine of not more than \$100 for refusal or neglect to comply with an order of the Commission.

SECTION 3. The amendment provides that a person appointed to succeed a commissioner who resigns, dies or becomes incapacitated shall hold office until the next general meeting of the subscribers.

SECTION 4. The new subsection will allow a telephone system to terminate the service of a person who is in default of payment of any rate or toll in respect of a service.

BILL 32

1962-63

## An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 2 of *The Telephone Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 394, s. 2,  
subs. 5,  
re-enacted

(5) Two members constitute a quorum.

Quorum

2. Section 15 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 15,  
amended

(2) Every person, system or municipality that refuses or neglects to comply with an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Penalty for  
refusal or  
neglect to  
obey order  
of Com-  
mission

3. Section 68 of *The Telephone Act* is amended by striking out "for the remainder of the term for which his predecessor was elected or appointed" in the third, fourth and fifth lines and inserting in lieu thereof "until the next general meeting of the subscribers", so that the section shall read as follows:

R.S.O. 1960,  
c. 394, s. 68,  
amended

68. Where a commissioner resigns, dies or becomes incapacitated, the council of the initiating municipality shall immediately appoint a successor who shall hold office until the next general meeting of the subscribers.

Vacancies

4. Section 89 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 89,  
amended

(3) Where a person supplied with telephone service is in default of payment of any rate or toll in respect of a service, the system may terminate the service without notice.

Termination  
of service

R.S.O. 1960,  
c. 394, s. 103,  
amended

5. Section 103 of *The Telephone Act* is amended by striking out "to another system, whether the other system is under the jurisdiction of the Legislature or not" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Sales or  
transfers  
of systems,  
etc.

103. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement that in effect transfers its ownership or control until the Commission has approved of the sale or other disposition, amalgamation or agreement.

R.S.O. 1960,  
c. 394, s. 105,  
amended

6. Section 105 of *The Telephone Act* is amended by adding thereto the following subsection:

Public  
hearing

(2) Where the Commission is of the opinion that a change in a tariff of rates and tolls should not be approved without a public hearing, it shall give written notice of the time and place of the hearing to the telephone system desiring the change, and the telephone system shall, unless the Commission orders otherwise, publish, once a week for two successive weeks immediately preceding the hearing, notice of the hearing in a newspaper having general circulation in the municipality or municipalities where the change in the tariff is sought.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Telephone Amendment Act, 1962-63*.

SECTION 5. The amendment makes it clear that no sale or other disposition of a telephone system or part thereof shall be made without the approval of the Commission.

SECTION 6. The new subsection sets out the procedure to be followed when the Commission is of the opinion that a public hearing is necessary in regard to a proposed change in a tariff of rates and tolls.







An Act to amend The Telephone Act

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*1st Reading*

December 18th, 1962

*2nd Reading*

*3rd Reading*

---

MR. STEWART

---

## BILL 32

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Telephone Act

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MR. STEWART

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*(Reprinted as amended by the Committee on Agriculture)*

SECTION 1. The requirement for a quorum is changed from a majority to two members.

SECTION 2. The amendment provides for a fine of not more than \$100 for refusal or neglect to comply with an order of the Commission.

SECTION 3. The amendment provides that a person appointed to succeed a commissioner who resigns, dies or becomes incapacitated shall hold office until the next general meeting of the subscribers.

SECTION 4. The new subsection will allow a telephone system to terminate the service of a person who is in default of payment of any rate or toll in respect of a service.



BILL 32

1962-63

## An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 2 of *The Telephone Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 394, s. 2,  
subs. 5,  
re-enacted

(5) Two members constitute a quorum.

Quorum

2. Section 15 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 15,  
amended

(2) Every person, system or municipality that refuses or neglects to comply with an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Penalty for  
refusal or  
neglect to  
obey order  
of Com-  
mission

3. Section 68 of *The Telephone Act* is amended by striking out "for the remainder of the term for which his predecessor was elected or appointed" in the third, fourth and fifth lines and inserting in lieu thereof "until the next general meeting of the subscribers", so that the section shall read as follows:

R.S.O. 1960,  
c. 394, s. 68,  
amended

68. Where a commissioner resigns, dies or becomes incapacitated, the council of the initiating municipality shall immediately appoint a successor who shall hold office until the next general meeting of the subscribers.

Vacancies

4. Section 89 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 89,  
amended

(3) Where a person supplied with telephone service is in default of payment of any rate or toll in respect of a service, the system may terminate the service upon giving the person seven days notice thereof in writing.

Termination  
of service

R.S.O. 1960,  
c. 394, s. 103,  
amended

**5.** Section 103 of *The Telephone Act* is amended by striking out "to another system, whether the other system is under the jurisdiction of the Legislature or not" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Sales or  
transfers  
of systems,  
etc.

**103.** No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement that in effect transfers its ownership or control until the Commission has approved of the sale or other disposition, amalgamation or agreement.

R.S.O. 1960,  
c. 394, s. 105,  
amended

**6.** Section 105 of *The Telephone Act* is amended by adding thereto the following subsection:

Public  
hearing

(2) Where the Commission is of the opinion that a change in a tariff of rates and tolls should not be approved without a public hearing, it shall give written notice of the time and place of the hearing to the telephone system desiring the change, and the telephone system shall, unless the Commission orders otherwise, publish, once a week for two successive weeks immediately preceding the hearing, notice of the hearing in a newspaper having general circulation in the municipality or municipalities where the change in the tariff is sought.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Telephone Amendment Act, 1962-63*.

SECTION 5. The amendment makes it clear that no sale or other disposition of a telephone system or part thereof shall be made without the approval of the Commission.

SECTION 6. The new subsection sets out the procedure to be followed when the Commission is of the opinion that a public hearing is necessary in regard to a proposed change in a tariff of rates and tolls.







An Act to amend The Telephone Act

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*1st Reading*

December 18th, 1962

*2nd Reading*

February 6th, 1963

*3rd Reading*

---

MR. STEWART

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(Reprinted as amended by the  
Committee on Agriculture)

## BILL 32

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Telephone Act

---

MR. STEWART

---



BILL 32

1962-63

## An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 2 of *The Telephone Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 394, s. 2,  
subs. 5,  
re-enacted

(5) Two members constitute a quorum.

Quorum

2. Section 15 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 15,  
amended

(2) Every person, system or municipality that refuses or neglects to comply with an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Penalty for  
refusal or  
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3. Section 68 of *The Telephone Act* is amended by striking out "for the remainder of the term for which his predecessor was elected or appointed" in the third, fourth and fifth lines and inserting in lieu thereof "until the next general meeting of the subscribers", so that the section shall read as follows:

R.S.O. 1960,  
c. 394, s. 68,  
amended

68. Where a commissioner resigns, dies or becomes incapacitated, the council of the initiating municipality shall immediately appoint a successor who shall hold office until the next general meeting of the subscribers.

Vacancies

4. Section 89 of *The Telephone Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 394, s. 89,  
amended

(3) Where a person supplied with telephone service is in default of payment of any rate or toll in respect of a service, the system may terminate the service upon giving the person seven days notice thereof in writing.

Termination  
of service

R.S.O. 1960,  
c. 394, s. 103,  
amended

**5.** Section 103 of *The Telephone Act* is amended by striking out "to another system, whether the other system is under the jurisdiction of the Legislature or not" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Sales or  
transfers  
of systems,  
etc.

103. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement that in effect transfers its ownership or control until the Commission has approved of the sale or other disposition, amalgamation or agreement.

R.S.O. 1960,  
c. 394, s. 105,  
amended

**6.** Section 105 of *The Telephone Act* is amended by adding thereto the following subsection:

Public  
hearing

(2) Where the Commission is of the opinion that a change in a tariff of rates and tolls should not be approved without a public hearing, it shall give written notice of the time and place of the hearing to the telephone system desiring the change, and the telephone system shall, unless the Commission orders otherwise, publish, once a week for two successive weeks immediately preceding the hearing, notice of the hearing in a newspaper having general circulation in the municipality or municipalities where the change in the tariff is sought.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Telephone Amendment Act, 1962-63*.









An Act to amend The Telephone Act

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*1st Reading*

December 18th, 1962

*2nd Reading*

February 6th, 1963

*3rd Reading*

April 3rd, 1963

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MR. STEWART

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# **BILL 33**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act to amend The Community Centres Act**

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MR. STEWART

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#### EXPLANATORY NOTES

SECTION 1. The amendment provides for the appointment to the board of a community centre of persons not qualified to be elected as members of the municipal council that passed the by-law establishing the community centre.

SECTION 2. The amendment will permit the Minister to make grants to councils of Indian bands to provide for the establishment of community centres on Indian reserves.

BILL 33

1962-63

## An Act to amend The Community Centres Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Community Centres Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 60, s. 6,  
amended

(3a) Notwithstanding subsection 1, where in the establishment of a community centre under this Act, Appointment  
to board of  
persons not  
qualified to  
be elected  
to council

(a) aid in respect of the erection and maintenance thereof was granted by persons, societies or other bodies or municipalities not within the municipality that passed the by-law; or

(b) contributions to the cost thereof were made under an agreement for the joint use of the community centre,

the council of the municipality that passed the by-law may appoint as members of the board persons who are not qualified to be elected as members of the council, but the number of such persons appointed shall be less than one-half of the membership of the board.

2. *The Community Centres Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 60,  
amended

8a.—(1) In this section, "council of a band" and "reserve" have the same meanings as in the *Indian Act* (Canada). Interpre-  
tation  
R.S.C. 1952,  
c. 149

(2) The Minister may make grants to the council of a band to provide for the establishment of a community centre on its reserve on such terms and conditions as the Minister determines. Grants to  
councils of  
Indian  
bands

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Community Centres Amendment Act, 1962-63*.









An Act to amend  
The Community Centres Act

---

*1st Reading*

December 18th, 1962

*2nd Reading*

*3rd Reading*

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MR. STEWART

---

# **BILL 33**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Community Centres Act**

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**MR. STEWART**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



## BILL 33

1962-63

## An Act to amend The Community Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Community Centres Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 60, s. 6,  
amended

(3a) Notwithstanding subsection 1, where in the establishment of a community centre under this Act, Appointment  
to board of  
persons not  
qualified to  
be elected  
to council

(a) aid in respect of the erection and maintenance thereof was granted by persons, societies or other bodies or municipalities not within the municipality that passed the by-law; or

(b) contributions to the cost thereof were made under an agreement for the joint use of the community centre,

the council of the municipality that passed the by-law may appoint as members of the board persons who are not qualified to be elected as members of the council, but the number of such persons appointed shall be less than one-half of the membership of the board.

2. *The Community Centres Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 60,  
amended

8a.—(1) In this section, "council of a band" and "reserve" have the same meanings as in the *Indian Act* (Canada). Interpre-  
tation  
R.S.C. 1952,  
c. 149

(2) The Minister may make grants to the council of a band to provide for the establishment of a community centre on its reserve on such terms and conditions as the Minister determines. Grants to  
councils of  
Indian  
bands



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Community Centres Amendment Act, 1962-63*.







An Act to amend  
The Community Centres Act

---

*1st Reading*

December 18th, 1962

*2nd Reading*

February 6th, 1963

*3rd Reading*

April 3rd, 1963

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MR. STEWART

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## **BILL 34**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### **An Act to amend The Warble Fly Control Act**

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MR. STEWART

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THE TOWNSHIP OF ...  
 ...

EXPLANATORY NOTE

This amendment will enable a township council to repeal a warble fly control by-law that is at least three years old unless at least two-thirds of the cattle owners in the municipality satisfy the council that they are in favour of its remaining in force.

BILL 34

1962-63

## An Act to amend The Warble Fly Control Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 2 of *The Warble Fly Control Act* <sup>R.S.O. 1960,  
c. 422, s. 2,  
subs. 2,  
re-enacted</sup> is repealed and the following substituted therefor:

- (2) Where a by-law passed under this Act has been in <sup>Repeal of  
by-law</sup> force for a period of at least three consecutive years, the council may repeal the by-law unless it is satisfied that at least two-thirds of the cattle owners in the municipality are in favour of the by-law remaining in force.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Warble Fly Control* <sup>Short-title</sup> *Amendment Act, 1962-63.*

An Act to amend  
The Warble Fly Control Act

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*1st Reading*

December 18th, 1962

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 35**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **The Drainage Act, 1962-63**

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MR. SPOONER

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



#### EXPLANATORY NOTES

This Act is a consolidation and revision of the following:

*The Municipal Drainage Act*  
*The Ditches and Watercourses Act*  
*The Interprovincial Drainage Act*  
*The Provincial Aid to Drainage Act*

*The Municipal Drainage Aid Act*, which provides for the purchase by the Provincial Treasurer of debentures issued in respect of drainage works under *The Municipal Drainage Act*, is repealed as the purpose of this Act is now filled by *The Ontario Municipal Improvement Corporation Act*.

The following are the major changes contained in the Bill:

- (1) "Drainage works" has been defined and extended.
- (2) Drains constructed on requisition follow the same procedures as drains on petition.
- (3) Provision is made for change in the basis of assessment when land use changes substantially.
- (4) Provision is made for notification of Conservation Authorities interested and for sending them a copy of the report.
- (5) Provision is made for paying small assessments in the first year.
- (6) Provision is made for moving drains off road allowances.
- (7) The pollution of drainage works is prohibited.
- (8) Provision is made for the abandonment of drainage works.

## BILL 35

1962-63

## The Drainage Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Inter-  
pretation

- (a) "benefit" means the benefit to any land from the construction, improvement or maintenance of a drainage works;
- (b) "construction" means the original opening, making, excavating, building or completing of a drainage works;
- (c) "county" includes a provisional judicial district;
- (d) "county court" includes a district court;
- (e) "court of revision" means a court of revision constituted under *The Assessment Act*;
- (f) "drainage works" includes a drain constructed by any means, including the improving of a stream, creek or watercourse, and includes works necessary to control the water table or level within or on agricultural lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
- (g) "engineer" means a civil or mechanical engineer registered as a professional engineer under *The Professional Engineers Act*, or a surveyor registered under *The Surveyors Act*;
- (h) "initiating municipality" means the local municipality undertaking the construction, improvement or maintenance of a drainage works to which this Act applies;

R.S.O. 1960,  
c. 23R.S.O. 1960,  
cc. 309, 389

- (i) "injuring liability" means the part of the cost of the construction, improvement or maintenance of a drainage works required to relieve the owner of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;
- (j) "judge" means a judge of the county or district court of the county or district in which the municipality assessing lands or roads for a drainage works is situate;
- (k) "maintenance" means the preservation and keeping in repair of a drainage works;
- (l) "Minister" means the Minister of Municipal Affairs;
- (m) "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
- (n) "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs and a guardian, executor, administrator or trustee in whom land is vested;
- (o) "public utility" means a person having jurisdiction over any waterworks, sewage works, electric heat, light and power works, telegraph and telephone lines, or gasworks, including works for the production, transmission, distribution and supply of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing;
- (p) "referee" means the referee appointed under this Act;
- (q) "sufficient outlet" means a point at which water can be discharged safely so that it will do no injury to lands or roads. R.S.O. 1960, c. 252, s. 1, *amended*.

2.—(1) When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works.



(2) A copy of the agreement and the plans and schedules, <sup>Filing of agreement</sup> if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and a copy may be registered in the registry or land titles office of the county in which the land or any part thereof is situate.

(3) The agreement may be according to Form 1 or to the <sup>Form of agreement</sup> like effect.

(4) The subsequent provisions of this Act do not apply to <sup>Exceptions</sup> any drainage works constructed under this section. *New.*

3.—(1) Subject to subsection 4, upon the petition (Form 2) <sup>Drainage works constructed on petition</sup> of the majority in number of the owners, as shown by the last revised assessment roll to be the owners of at least one-half in area of the lands and roads in the area requiring drainage as described in the petition within any local municipality, to the council thereof, for the drainage of the area by means of a drainage works, the council, upon notifying by prepaid mail the Minister and the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has <sup>R.S.O. 1960, c. 62</sup> jurisdiction over any of such lands, may by by-law or resolution appoint an engineer to make an examination of the area, to prepare a report, including plans, specifications, estimates of the drainage works, and an assessment against the lands and roads within the area requiring drainage and of any other lands and roads liable to be assessed for the drainage works, stating as nearly as may be, in his opinion, the proportion of the cost of the drainage works, including fees of the engineer and of the clerk, to be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. R.S.O. 1960, c. 252, s. 2 (1), *amended.*

(2) Where a drainage works is required for the drainage <sup>Initiating proceedings for the drainage of a road</sup> of a road or a part thereof, the council of the local municipality in which the road or part thereof is situate may proceed under subsection 1 upon a petition,

(a) where the road or part thereof is under the jurisdiction of the Province of Ontario or of a township or county, signed by the engineer or road superintendent appointed under *The Highway Improvement Act* by <sup>R.S.O. 1960, c. 171</sup> the Department of Highways, county, township or commission having control over the road or part thereof; and

(b) where the road or part thereof is under the jurisdiction of a city, town or village, signed by the engineer or road superintendent of the municipality. R.S.O. 1960, c. 252, s. 2 (2), *amended.*

Providing capacity for covered drainage works

(3) In no case shall the construction of a drainage works by means of the improvement of a creek, stream or natural watercourse include a covered drainage works unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1960, c. 252, s. 11, *amended*.

Petition when pumping, embanking required

(4) Where a drainage works can only be effectually constructed by embanking, pumping or other mechanical operation, the council of the initiating municipality may proceed with the construction thereof or assume such a drainage works only upon the petition of at least two-thirds of the owners, as shown by the last revised assessment roll to be the owners of at least one-half in area of the lands and roads in the area requiring drainage as described in the petition. R.S.O. 1960, c. 252, s. 2 (3), *amended*.

Petition where area lies on each side of boundary road

(5) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two local municipalities, the council of either local municipality may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality. R.S.O. 1960, c. 252, s. 61, *amended*.

Drainage works constructed on requisition

4.—(1) Where it is necessary, for the proper drainage of any agricultural land, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefited by such drainage may file with the clerk of the local municipality in which his land is situate a requisition (Form 3) requesting that an engineer be appointed.

Deposit for expenses

(2) Upon filing the requisition, the owner shall deposit with the clerk of the local municipality the sum of \$100 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs under subsections 6 and 8. *New*.

Limit of cost

(3) No drainage works, the whole cost of which will exceed \$2,500, shall be constructed under this section. R.S.O. 1960, c. 109, s. 5 (2), *amended*.

Limit of area to be assessed

(4) Only land lying within 150 rods from the sides of the drainage works and land lying within 150 rods from the point of commencement of the drainage works may be assessed under this section. R.S.O. 1960, c. 252, s. 6, *amended*.



(5) Every drainage works constructed under this section shall be continued to a sufficient outlet. R.S.O. 1960, c. 109, s. 5 (1), *part, amended*. <sup>Sufficient outlet</sup>

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage and to report as to the need for such drainage, the value of such drainage to the land to be served by the drainage works, the damage that will be done to the lands through which the drainage works may be constructed, the amount that should be paid to each owner of land that would be damaged by the drainage works, the estimated cost, and the amount that, in his opinion, should be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. *New.* <sup>Duty of council</sup>

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land that will be affected by such drainage works seven days written notice (Form 4), by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of his examination. *New.* <sup>Notice of examination of area</sup>

5. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1960, c. 252, s. 4 (1), *amended*. <sup>Duties of engineer</sup>

6.—(1) The engineer and his assistant when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they deem necessary for the performance of the work and take levels on the land of any person. R.S.O. 1960, c. 252, s. 9 (1), *amended*. <sup>Power to enter lands</sup>

(2) Every person who interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*. <sup>Offence for interference with engineer</sup>

7.—(1) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more areas that require drainage. *New.* <sup>One report on two or more petitions</sup>

Duty to  
make plans,  
specifica-  
tions and  
estimates

(2) Where a drainage works is to be proceeded with, the engineer shall make a report, including such plans, profiles, specifications, estimates of the drainage works to be constructed and assessments as may be deemed necessary. R.S.O. 1960, c. 252, s. 7, *part, amended*.

Duties  
re survey

(3) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1960, c. 252, ss. 8 (16), 9 (2), *amended*.

Offence for  
interference  
with bench  
marks, etc.

(4) Every person who interferes with, removes or destroys any bench mark or permanent level established under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*.

Report re  
disposal of  
material  
taken from  
drainage  
works

8.—(1) The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement or maintenance thereof shall be disposed of, and the amount to be paid to the respective persons entitled to damages, if any, to lands and crops occasioned thereby, and shall include such sums in his estimates of the cost of the construction, improvement or maintenance of the drainage works. R.S.O. 1960, c. 252, s. 8 (7), *amended*.

Bridges and  
culverts on  
roads

(2) The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof, and he shall in his assessment apportion, as appears just, the cost of bridges and culverts between the drainage works and the municipality or municipalities having jurisdiction over such public road.

By-law as  
to assess-  
ments for  
bridges,  
culverts  
on roads

(3) A local municipality may by by-law assume, as a charge upon the general funds of the municipality, the whole or such part, as the by-law may determine, of the cost of construction, improvement and maintenance of all bridges and culverts rendered necessary by a drainage works crossing any public road or part thereof within the municipality, and, when such a by-law has been passed, it shall not be repealed except with the permission of the referee, and, so long as the by-law remains unrepealed, the engineer shall, in his assessment, apportion the cost of such bridges and culverts in accordance with the by-law or direct that such drainage works be done by and at the expense of the municipality.



(4) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and culverts required to afford access from any land to the travelled portion of a public road, and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges and culverts in his assessment for the construction, improvement or maintenance of the drainage works, and they shall, for the purposes of maintenance, be deemed part of the drainage works. Construction of access bridges

(5) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and water gates rendered necessary by the drainage works upon any land, and the land assessed for the drainage works shall not be nor shall any municipal corporation be liable for keeping such bridges and water gates in repair, but, if the engineer deems it just that any of such bridges or water gates be maintained as part of the drainage works, he may so provide. Construction of farm bridges

(6) If the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge as provided by subsection 4 or 5, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance. Allowance for severance

(7) Where an existing drain that was not constructed on petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works or is used in connection therewith, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1960, c. 252, s. 8 (1-6), *amended*. Allowance for private drains

(8) The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use, Allowance for right of way, etc.

- (a) for the construction or improvement of a drainage works;
- (b) for the disposal of material removed from a drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right-of-way is sufficient for the purposes of the drainage works,

the value of any of such land or the damages, if any, thereto.

Allowance  
for damage  
due to in-  
sufficient  
outlet

(9) Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1960, c. 252, s. 8 (8, 9), *amended*.

Engineer's  
finding,  
drainage  
works not  
required,  
etc.

(10) If the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor, the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1960, c. 109, s. 15 (4, 5), *amended*.

Assessing  
land in  
neighbour-  
ing munic-  
ipality

9. Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefited by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement or maintenance of the drainage works in the same manner as is provided in section 11. R.S.O. 1960, c. 252, s. 64, *amended*.

Continuing  
drainage  
works  
beyond the  
limits of  
municipality

10.—(1) Where it is deemed necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance or other boundary into or through any municipality until he reaches a sufficient outlet, and in every such case he may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he



shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1960, c. 252, s. 63, *amended*.

(2) A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1960, c. 252, s. 60 (2). When drainage works not deemed out of initiating municipality

**11.—**(1) Where it is deemed necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario and as to the proportion of the cost of the drainage works in Ontario to be borne and paid by the adjoining province. R.S.O. 1960, c. 192, s. 1, *amended*. Interprovincial drainage works, from Ontario into adjoining province

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works. R.S.O. 1960, c. 192, s. 3, *amended*. Apportionment of cost

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. R.S.O. 1960, c. 192, s. 2, *amended*. Extension of drainage works from adjoining province

**12.—**(1) The council of a local municipality by by-law may appoint one or more commissioners, Commissioner, appointment and duties

(a) to assist the engineer in the construction or improvement of a drainage works; and

(b) to supervise the maintenance of any drainage works,



and require him to report annually on the state of repair of all drainage works under his supervision. R.S.O. 1960, c. 252, s. 82 (2), *amended*.

Powers of  
commissioner

(2) The commissioner has the same powers as to entry on land as are given to an engineer under section 6. *New*.

Assessment  
of affected  
land

**13.** The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1960, c. 252, s. 5 (1), *amended*.

Assessment  
may be  
shown in  
money

**14.** The assessment upon any land or road for a drainage works may be shown by the engineer placing sums of money opposite the land or road, and it is not necessary to insert the fractional part of the whole cost to be borne by the land or road. R.S.O. 1960, c. 252, s. 6, *amended*.

Engineer  
to dis-  
tinguish  
assessments

**15.**—(1) The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor.

Prior  
assessments  
to be taken  
into con-  
sideration

(2) In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment on the same land or road for the construction, improvement or maintenance of a drainage works and make such allowance therefor as appears just, and in his report he shall state the allowance so made. R.S.O. 1960, c. 252, s. 12, *amended*.

Injuring  
liability,  
lands  
assessed for

**16.**—(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. R.S.O. 1960, c. 252, s. 2 (4, 5), *amended*.

Outlet  
liability,  
lands  
assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road.

Basis of  
assessment

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. R.S.O. 1960, c. 252, s. 2 (7), *amended*.

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by subsection 1 of section 3 unless within the area therein described. R.S.O. 1960, c. 252, s. 2 (6). Certain owners not to count for or against petition

17. The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works. R.S.O. 1960, c. 252, s. 13, *amended*. Engineer to list lands in different municipalities separately

18. Where the engineer deems it equitable that the cost of the maintenance of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and in a separate assessment schedule report the basis upon which the cost of maintenance of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1960, c. 252, s. 14, *amended*. Variations in assessments for maintenance

19.—(1) Where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall direct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided. Subsequent subdivision of land

(2) The clerk of the local municipality shall forthwith send a copy of the direction by prepaid mail to the owners of the parts into which the parcel is divided. Notice to affected owners

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed. Apportionment of assessment

(4) The costs, including the fees of the engineer and of the clerk of the local municipality, shall be borne and paid by the parties in the manner fixed or apportioned by the engineer or, on appeal, by the judge. R.S.O. 1960, c. 252, s. 5 (2-5), *amended*. Costs of engineer and clerk

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the judge within thirty days after the date a copy of the apportionment is sent to him by the clerk. *New*. Appeal of apportionment



Subsequent  
connections  
with  
drainage  
works

**20.**—(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is substantially altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1960, c. 252, s. 5 (6), *amended*.

Use of  
amount  
collected

(2) The amount collected under subsection 1 shall be paid into a reserve account and used only for the future improvement or maintenance of the whole or any part of the drainage works. *New*.

Public  
utility,  
option to  
construct  
drainage  
works

**21.**—(1) Where a drainage works or a part thereof is to be constructed, improved or maintained upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the public utility may construct, improve or maintain such drainage works or part. R.S.O. 1960, c. 252, s. 8 (20), *amended*.

Non-  
exercise by  
public  
utility

(2) Where the public utility does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1960, c. 252, s. 8 (21), *amended*.

Increased  
cost, how  
borne

(3) In addition to all other sums lawfully assessed against the property of the public utility under this Act, and even if the public utility is not otherwise assessable under this Act, the public utility shall be assessed for and shall pay all the increase of cost of such drainage works or part caused by the existence of the drainage works of the public utility. R.S.O. 1960, c. 252, s. 8 (22).

Time for  
filing report

**22.**—(1) The report of the engineer shall be filed with the clerk of the initiating municipality as soon as completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality. R.S.O. 1960, c. 252, s. 8 (17), *amended*.

(2) If the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claim for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint some other engineer. Engineer may forfeit compensation and council appoint another

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1960, c. 252, s. 8 (18, 19), *amended*. By-law not invalid by reason report not filed in six months

**23.**—(1) The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 7, *part, amended*. Fees of engineer part of drainage works

(2) The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. Account of engineer

(3) The council of the local municipality may apply, within sixty days after the engineer's account is presented to the clerk of the municipality, to the judge, who shall review the account and make any alteration he deems just, and the clerk shall give at least thirty days notice by prepaid mail to the engineer and to the head of the municipality of the appointment for such review. R.S.O. 1960, c. 252, s. 16, *amended*. Review by judge

(4) Where the account of the engineer exceeds \$500, the decision of the judge may be appealed to the referee within thirty days after the date of the decision of the judge. *New*. Appeal to referee

**24.**—(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall send a copy of the report, Notices to other municipalities affected, etc.

(a) to the clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate;

(b) to the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has jurisdiction over any land affected by the report; R.S.O. 1960, c. 62

(c) to any railway company or public utility affected by the report; and

(d) to the Minister. R.S.O. 1960, c. 252, ss. 8 (23), 65, 103 (1), *amended*.



Clerk of  
initiating  
municipality to  
notify  
parties  
assessed

R.S.O. 1960,  
c. 62

(2) The clerk of the initiating municipality shall send a notice by prepaid mail to the owners, as shown by the last revised assessment rolls to be the owners of lands and roads assessed for the drainage works in the area found by the engineer to require drainage, and to all other owners of lands and roads in the initiating municipality assessed for the drainage works and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered.

Clerk to  
notify  
parties  
assessed

(3) The clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate shall send a notice by prepaid mail to the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 17, *amended*.

Clerk to  
notify  
owners to be  
compensated

(4) The clerk of each local municipality in which any land or road that is assessed for the drainage works is situate shall send a notice by prepaid mail to each owner of land in the municipality in respect of which the report provides for compensation and other allowances, if any, stating the date of the filing of the report, the amount of compensation and allowances awarded to the owner, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 8 (14), *amended*.

Council  
meeting for  
consideration  
of report

(5) The date of the council meeting at which the report will be considered shall not be less than ten days after the last notice has been mailed under subsections 2 and 3. *New*.

Considera-  
tion of  
report

**25.** The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, cause the report to be read aloud by the clerk, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands



within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1960, c. 252, s. 18, *amended*.

**26.**—(1) If the petition at the close of such council meeting contains a sufficient number of names to comply with subsection 1 or 4 of section 3, as the case may be, the council may proceed to adopt the report, and no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. Sufficiency of petition

(2) If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 25, do not comply with the requirements of subsection 1 or 4 of section 3, as the case may be, the persons who have withdrawn from the petition are on their respective assessments in the report, with 100 per cent added thereto, together with the other original petitioners on their respective assessments in the report, *pro rata*, chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the persons liable, and shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 20, *part, amended*. Liability of persons who have withdrawn where petition insufficient

**27.** A report may be adopted by by-law (Form 5) and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. *New*. Adoption of report

**28.** The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1960, c. 252, s. 19, *amended*. Referring report back to engineer

**29.** The council of the initiating municipality, within twenty days after the adoption of the report, and every other local municipality in which any land or road is assessed for the Copy of by-law to be sent to owners

drainage works, within twenty days of the receipt of a copy of the provisional by-law from the initiating municipality, shall cause a copy of the provisional by-law of the initiating municipality and a notice of the sitting of the court of revision to be sent by prepaid mail to each owner, as shown by the last revised assessment roll to be the owner of land assessed for the drainage works, and to each person entitled to notice under subsection 4 of section 24. R.S.O. 1960, c. 252, s. 25, *amended*.

Appeal to  
court of  
revision

**30.**—(1) Any owner of land, or, where roads in the local municipality are assessed, any ratepayer, who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given or allowance made as to type of use of land, may personally, or by his agent, give notice in writing to the clerk of the municipality that he considers himself aggrieved for any or all such causes. R.S.O. 1960, c. 252, s. 35, *amended*.

Time for  
holding  
court

(2) The trial of complaints shall be had in the first instance by and before the court of revision of the local municipality in which the lands and roads assessed are situate, and the first sitting of the court shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law.

Notices of  
appeal

(3) Every notice of appeal to the court of revision shall be given to the clerk of the local municipality at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1960, c. 252, s. 36, *amended*.

Constitution  
of court of  
revision  
R.S.O. 1960,  
c. 23

(4) Except as otherwise provided in this Act, the provisions of *The Assessment Act* as to the constitution and powers of and trial of complaints by the court of revision and as to appeals therefrom to the judge apply *mutatis mutandis* to such trials and appeals under this Act. R.S.O. 1960, c. 252, s. 28 (1), *amended*.

Adjourn-  
ment of  
court to  
notify  
persons  
affected by  
alterations

**31.** When the ground of complaint is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or judge that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or judge, the court or judge shall adjourn the hearing of the appeal for a time sufficient to enable the clerk to notify by prepaid mail such



persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or judge shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1960, c. 252, s. 42, *amended*.

**32.**—(1) An appeal from the court of revision lies to the judge, not only against a decision of the court of revision, but also against the omission, neglect or refusal of the court of revision to hear or decide an appeal. R.S.O. 1960, c. 252, s. 44, *amended*. Appeal to county judge

(2) At the court so held, the judge shall hear the appeal and may adjourn the hearing from time to time, but shall give his decision not later than thirty days after the hearing. R.S.O. 1960, c. 252, s. 48. Time for giving judgment

(3) The decision of the judge is final. R.S.O. 1960, c. 252, s. 54. Decision to be final

**33.** Any change in an assessment made by the court of revision or by the judge shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or judge. R.S.O. 1960, c. 252, s. 55, *amended*. Clerk to alter assessments

**34.** Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority established under *The Conservation Authorities Act* has jurisdiction, the conservation authority may appeal from the report of the engineer to the referee on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under such Act, and the provisions of section 35 respecting the notice of appeal, the powers of the referee and the decision of the referee apply to any such appeal. R.S.O. 1960, c. 252, s. 8 (13), *amended*. Appeal by conservation authority having jurisdiction  
R.S.O. 1960, c. 62

**35.** Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the ground that it does not comply with the requirements of this Act, or that the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof, or that the drainage works should be modified, on grounds to be stated, may appeal therefrom to the referee, and in every such case the notice of appeal shall be served upon the head of the council of the initiating muni- Appeal from report to referee

cipality or the clerk thereof within thirty days after the date of mailing of the copy of the provisional by-law under section 29, and the referee may hear and determine the appeal in a summary manner on his own view of the premises and after hearing the parties and, if he sees fit, their witnesses, or he may direct that the further proceedings on such appeal shall be as hereinafter provided in other cases of appeals to the referee, and the referee on an appeal under this section may make such order as appears just. R.S.O. 1960, c. 252, s. 8 (10, 11), *amended*.

Appeal  
where  
report  
indicates  
drainage  
works not  
required

**36.** Where the engineer reports that the drainage works is not required or is impractical or cannot be constructed under section 3 or 4, as the case may be, any owner affected by the report, within ten days from the date of the mailing of the notice under subsection 10 of section 8, may appeal therefrom to the referee whose decision is final. R.S.O. 1960, c. 109, s. 21 (1), *amended*.

Appeal by  
municipality

**37.**—(1) The council of any local municipality to which a copy of the report was sent under subsection 1 of section 24 may, within six weeks after the report is sent to the clerk, appeal to the referee from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

Grounds  
for  
appeal

(2) The reasons for appeal may be the following, or any of them,

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) that the course of the drainage works or any part thereof should be altered;
- (c) that the drainage works does not provide a sufficient outlet;
- (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
- (e) that a petition has been received by the council of the appealing municipality, as provided by subsection 1 of section 3, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;



- (f) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. R.S.O. 1960, c. 252, s. 67, *amended*.

**38.** Upon an appeal under section 37, the referee shall hear <sup>Powers of referee on appeal</sup> and adjudicate upon all questions raised by the notice of appeal, as they may affect any municipality in which any land or road is assessed for the drainage works, and he may give to any municipality, through or into which the proposed drainage works will be continued, leave to enlarge the drainage works, pursuant to petition in that behalf and according to the report of an engineer appointed by the referee for that purpose, and may make such order as appears just. R.S.O. 1960, c. 252, s. 68 (1), *amended*.

**39.** Where an initiating municipality has adopted a report <sup>Construction or improvement by-law</sup> for the construction or improvement of a drainage works, after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council of the municipality may pass the provisional by-law, thereby authorizing the construction or improvement of the drainage works. R.S.O. 1960, c. 252, s. 20, *part, amended*.

**40.—(1)** The council of each local municipality to which <sup>Municipalities required to raise cost</sup> a copy of a report is required to be sent under subsection 1 of section 24 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction and improvement of the drainage works within a reasonable time after the time fixed by subsection 2 for the passing of the by-law. R.S.O. 1960, c. 252, s. 66, *amended*.

(2) The council of each local municipality that is required <sup>Imposition of special assessment</sup> to raise the whole or any part of the cost of the construction or improvement of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction or improvement of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council prescribes.

(3) The council of any local municipality may provide <sup>Commutation of special assessment</sup> that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1960, c. 252, s. 22, *part, amended*.

(4) Where the assessment against any parcel of land is \$25 <sup>Assessments of \$25 or less</sup> or less, the council of any local municipality may provide that the assessment shall be paid out of the general funds of



the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. *New.*

Application  
of R.S.O.  
1960, c. 23

(5) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1960, c. 252, s. 22, *part, amended.*

Abandon-  
ment of  
work by  
initiating  
municipality

**41.** A by-law authorizing the construction, improvement or maintenance of a drainage works may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1960, c. 252, s. 68 (3), *amended.*

Fees of  
clerk

**42.** The council of a local municipality may by by-law provide for the payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act. R.S.O. 1960, c. 109, s. 4 (2), *amended.*

Quashing  
of by-law

**43.** If no notice of intention to make application to quash a by-law is served upon the clerk of the municipality within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1960, c. 252, s. 26, *amended.*

Municipal-  
pality may  
sue for  
damages  
to drainage  
works

**44.** A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level established under subsection 3 of section 7, and any damages ordered by the court to be paid shall be paid to the municipality and used for the construction, improvement or maintenance of the drainage works. *New.*

Expenses  
to be  
deemed  
part of the  
cost of  
drainage  
works

**45.** Except where otherwise provided by this Act or by a decision on an appeal, the cost of and incidental to the passing and serving of by-laws or to any reference or appeal or the construction, improvement and maintenance of a drainage works shall form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 91, *amended.*

**46.** Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1960, c. 252, s. 92.

Tenant's covenant to pay taxes, when to include drainage assessments

**47.—(1)** Any by-law heretofore or hereafter passed by the council of a local municipality for the assessment upon the lands and roads liable to contribute for a drainage works and that has been acted upon by the doing of the work in whole or in part, but does not provide sufficient funds to complete the drainage works or the municipality's share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council, and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law. R.S.O. 1960, c. 252, s. 69 (1).

Amendment of by-law when insufficient funds provided

**(2)** Where in any such case lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has the same right of appeal to the referee as to the improper expenditure or illegal or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1960, c. 252, s. 69 (2), *amended*.

When lands and roads in another municipality assessable

**(3)** Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works acted upon by the completion of the drainage works that provides more than sufficient funds for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they

Amendment of by-law when excessive funds provided



become payable shall be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus money shall be divided *pro rata* among the contributing municipalities, and every such surplus until wholly paid out shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works in each and every year after the completion of the drainage works, and, in case such assessment upon any land has been commuted or anticipated by payment in full, payment shall be made to the owner of such lands as shown by the last revised assessment roll of the municipality in all respects as if such assessment had not been so commuted or anticipated. R.S.O. 1960, c. 252, s. 69 (3).

Maintenance  
of drainage  
works  
and cost

**48.** Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of the lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer in a report for the maintenance of the drainage works or on appeal therefrom. R.S.O. 1960, c. 252, s. 71, *amended*.

Service  
of by-law  
on municipa-  
lity  
liable for  
contribu-  
tion, and  
appeal

**49.—(1)** The council of any local municipality undertaking the repair of a drainage works shall, before commencing the repairs,

- (a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and
- (b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the referee on the ground that the amount assessed against the lands and roads in such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such drainage works has never been completed through the default

or neglect of the municipality whose duty it was to do the work, and the referee on such appeal may confirm such provisional by-law, or may direct that it be amended or that it not be passed, as appears just. R.S.O. 1960, c. 252, s. 74 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the treasurer of the initiating municipality. R.S.O. 1960, c. 252, s. 74 (2), *amended*. Council served to furnish amount required

**50.**—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance of the drainage works may make an application to the referee, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report, but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1960, c. 252, s. 75 (1), *amended*. Varying original assessments for maintenance

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works. Proceedings on report of engineer

(3) Any council served with a copy of such report may appeal to the referee from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable, and the proceedings on such appeal shall be the same as in other cases of appeal to the referee. Appeal from report of engineer

(4) Any owner of land, and any ratepayer in a municipality in which roads are assessed for such maintenance, may appeal from the assessment in the report in the manner provided in the case of the construction of the drainage works. R.S.O. 1960, c. 252, s. 75 (2-4), *amended*. Appeal to court of revision

(5) Such assessment as so varied shall thereafter, until it is further varied, form the basis of any assessment for maintenance of the drainage works affected thereby. R.S.O. 1960, c. 252, s. 75 (5). Basis of future assessments



Deepening,  
widening or  
extending  
without  
report of  
engineer

**51.**—(1) The council of any local municipality, whose duty it is to maintain a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed, may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction or maintenance of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening and extending is not more than one-fifth of the cost of the construction, and does not in any case exceed \$1,500. R.S.O. 1960, c. 252, s. 76, *amended*.

Moving  
drainage  
works  
off road

(2) Where the Province of Ontario or any municipality or suburban road commission desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer that the drainage works or part can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize the Province, municipality or commission, as the case may be, to effect such relocation within the boundaries of the municipality at the expense of the Province, municipality or commission, as the case may be. *New*.

Improving,  
upon ex-  
amination  
and report  
by engineer

**52.**—(1) Where, for the better use or maintenance of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is deemed expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs and other protective works as ancillary to the drainage works, or to otherwise improve, extend or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain the drainage works or any part thereof may, without the petition required by subsection 1 of section 3 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report.

Powers and  
duties of  
engineer

(2) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act.

Proceedings  
on report  
and appeals

(3) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall



be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1960, c. 252, s. 77 (1, 2), *amended*.

**53.**—(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and keep in repair the drainage works, the municipality is compellable by mandamus issued by the referee or a court of competent jurisdiction to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance, or such of the powers as to the referee or court appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1960, c. 252, s. 80 (1), *amended*. Power to compel repairs

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain a drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of repair of the drainage works. Municipality liable for damages caused by non-repair

(3) The local municipality whose duty it is to maintain a drainage works is not liable in damages for any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1960, c. 252, s. 80 (4, 5), *amended*. No liability where drainage works blocked by ice or snow

**54.**—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the land adjoining the drainage works or the owner or occupant thereof is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain the drainage works or by a commissioner appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the commissioner shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1960, c. 252, s. 82 (1), *amended*. Persons responsible for obstruction to remove it on notice

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may Collection of cost of removal by municipality

pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 82 (3), *amended*.

Removal of  
minor  
obstructions

**55.** The council of a local municipality may by by-law direct that the commissioner appointed by it shall from time to time remove from any drainage works all weeds and brushwood, fallen timber or other minor obstruction for which the owner of the lands adjacent to the drainage works or the owner or occupant thereof may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1960, c. 252, s. 83, *part, amended*.

When levy  
for main-  
tenance  
necessary

**56.** It is not necessary to assess and levy the amount charged for maintenance more than once in every five years unless in the meantime the total expense incurred exceeds the sum of \$1,000. R.S.O. 1960, c. 252, s. 83, *part, amended*.

Penalty for  
injury to  
drainage  
works

**57.** Every person who obstructs, fills up or injures or destroys by any means any drainage works is guilty of an offence and on summary conviction, in addition to his liability in civil damages, is liable to a fine of not less than \$10 and not more than \$100 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1960, c. 252, s. 84, *amended*.

Appoint-  
ment of  
commis-  
sioner for  
pumping  
drainage  
works

**58.** For the better maintenance of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may pass by-laws for appointing a commissioner or commissioners with power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair, as may be set forth in the by-law appointing them, and for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1960, c. 252, s. 86 (1), *amended*.

Pollution  
of drains  
prohibited

**59.—(1)** No person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water.

Fine

**(2)** Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. *New*.



**60.**—(1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of the receipt of such request and of its intention to act thereon unless any owner, within ten days of the mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment.

(2) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just.

(3) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* as on a report for the construction of a drainage works.

(4) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

(5) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor.

**61.**—(1) Grants may be made under this Act only in respect of a drainage works the main purpose of which is to drain agricultural lands, and, in computing the cost thereof for the purpose of grants, the cost of all embanking and pumping machinery installed shall be included.

(2) Grants shall not be made in respect of lateral drains or drainage works constructed under section 2 or 4.

Cash contributions to be deducted from cost

(3) For the purpose of computing grants under this Act, any contribution in cash received by the initiating municipality with respect to a drainage works shall be deducted from the cost thereof. R.S.O. 1960, c. 311, s. 2 (3), *amended*.

Where another provincial grant payable

**62.** Where a grant is paid under this Act in respect of the cost of a drainage works that includes the cost of a drainage works upon which a grant is payable under another Act of the Legislature, the grant payable under such other Act shall be reduced by an amount equal to that portion of the grant that was paid under this Act in respect of the cost of the part of the drainage works upon which the grant is payable under the other Act. R.S.O. 1960, c. 311, s. 3.

Application for grant

**63.—**(1) Where the council of a local municipality initiates a drainage works and has notified the Minister of such drainage works under subsection 1 of section 3, it shall, within three months after passing a by-law for undertaking the drainage works and before commencing the work, forward to the Minister an application (Form 6) accompanied by a verified copy of the engineer's report as it may be amended on appeal.

Excepted lands, etc., to be shown

(2) The engineer shall indicate in his report lateral drains and those parts of the lands assessed that are not agricultural lands.

Emergency work

(3) Notwithstanding subsection 1, where the council of a local municipality must perform emergency work under this Act before it is possible to obtain and adopt an engineer's report, it may submit an application for a grant in accordance with subsection 1 after the commencement of the work if it has notified the Minister within ten days after the commencement of the work. R.S.O. 1960, c. 311, s. 4, *amended*.

Examination of drainage works

**64.—**(1) Upon receipt of a notice or application forwarded in the manner and within the time specified in subsection 1 of section 3 or subsection 1 of section 63, the Minister, if it appears to him that the drainage works is or includes a drainage works that may be eligible for a grant, may cause an examination thereof to be made by an engineer of the Department, who shall report fully thereon and upon all the matters alleged in the application.

Payments

(2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the drainage works, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of,

(a) where the drainage works is in a county,  $33\frac{1}{3}$  per cent of the cost of the drainage works as described and limited in section 61; or

(b) where the drainage works is in a municipality in a territorial district or a provisional county,  $66\frac{2}{3}$  per cent of the cost of the drainage works as described and limited in section 61.

(3) The grant shall be distributed by the initiating municipality among all interested municipalities according to the engineer's assessment on agricultural land, or as altered on appeal, and in each municipality the amount of the grant shall be applied to reduce the assessment on each parcel of agricultural land affected. R.S.O. 1960, c. 311, s. 5, *amended*. Distribution and application of grant

**65.**—(1) Where a drainage works is in territory without municipal organization, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature an amount not exceeding 80 per cent of the cost of the drainage works as described and limited in section 61. Grants in unorganized territory

(2) The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out and the manner in which and the terms and conditions under which grants may be given under subsection 1. R.S.O. 1960, c. 311, s. 6 (1, 2). Initiation of drainage works

**66.**—(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. R.S.O. 1960, c. 252, s. 93 (1), *amended*. Referee, appointment

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee. *New*. Appointment of acting referee

(3) The referee or an acting referee shall be a justice of the Supreme Court, a judge of a county court or a barrister of at least ten years standing at the Bar of Ontario. R.S.O. 1960, c. 252, s. 93 (3), *amended*. Qualification

(4) No referee or acting referee shall practise as a solicitor or barrister in any matter arising under this Act or act as legal agent or adviser in any such matter. R.S.O. 1960, c. 252, s. 93 (5), *amended*. Referee not to practise under Act



Salary (5) The referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council determines, together with his reasonable travelling expenses. R.S.O. 1960, c. 252, s. 93 (6), *amended*.

Powers of referee

**67.**—(1) In respect of all applications and proceedings before him, the referee has the powers of a judge of the Supreme Court, including the production of books and papers, the amendment of notices of appeal and of notices of claims for compensation or damages, and of all other notices and proceedings, and he may correct errors or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do justice between the parties, and he may also grant an injunction or a mandamus in any matter before him under this Act.

Power to determine validity of proceedings and amend report

(2) The referee has power to determine the validity of all petitions, resolutions, reports and provisional or other by-laws, whether or not objections thereto have been stated as grounds of appeal to him, and to amend and correct any provisional by-law in question, and, with the engineer's consent and upon evidence given, to amend the report in such manner as appears just, and upon such terms as to notice or otherwise as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the court of revision or a judge. R.S.O. 1960, c. 252, s. 95 (2, 3), *amended*.

Referee to direct procedure

**68.**—(1) The referee at any time after an appeal or reference is made to him may give directions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise, and may give an appointment to any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, the hearing shall be in the county or one of the counties in which the drainage works or proposed drainage works is or is to be situate or in which lands are assessed therefor.

Clerk of court

(2) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court. R.S.O. 1960, c. 252, s. 104 (1, 2).

(3) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs. R.S.O. 1960, c. 252, s. 104 (3), *amended*. <sup>Fees of clerk</sup>

(4) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs. <sup>Referee's clerk</sup>

(5) Subpoenas for the attendance of witnesses at the hearing, tested in the name of the referee, may be issued by the clerk of the county court of the county in which the case is to be heard. <sup>Subpoenas</sup>

(6) The referee may from time to time employ stenographic reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee directs. R.S.O. 1960, c. 252, s. 104 (5-7), *amended*. <sup>Steno-graphic reporters</sup>

**69.** When an appointment is given by the referee for the hearing of any matter under this Act in any municipality wherein a court house is situated, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments set apart in the county for the administration of justice. R.S.O. 1960, c. 252, s. 109. <sup>Use of court house</sup>

**70.** Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid by the county or counties interested such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1960, c. 252, s. 110, *amended*. <sup>Sheriffs, etc., to assist referee</sup>

**71.** A copy of the notice of appeal by any municipality from the report of an engineer or from a provisional by-law, with an affidavit of service thereof, shall, within the time limited by this Act for the service of the notice, be filed in the office of the clerk of the county court of the county or union of counties in which the initiating municipality is situate. R.S.O. 1960, c. 252, s. 97, *amended*. <sup>Notice of appeal from assessment to be filed,</sup>



Amendment  
of by-law  
to carry out  
decision of  
referee

**72.**—(1) The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1960, c. 252, s. 98, *amended*.

Jurisdiction  
of referee  
on appeal

(2) Upon an appeal to the referee, he shall hear and adjudicate upon all questions raised in the notice of appeal and make such order as appears just, and may direct that the report appealed from be amended. R.S.O. 1960, c. 252, s. 103 (2), *amended*.

Costs  
of appeal

(3) The costs of such an appeal are in the discretion of the referee. R.S.O. 1960, c. 252, s. 103 (3).

Applications  
to set aside  
by-law,  
report  
heard

**73.** Subject to section 76, applications to set aside, declare void or otherwise directly or indirectly to attack the validity of any petition, report of an engineer, resolution of a council, provisional by-law or by-law relating to a drainage works, as well as all proceedings to determine claims and disputes arising in respect of anything done or required to be done under this Act or consequent thereon, or by reason of negligence, or for a mandamus or injunction, shall be made to and shall be heard and tried by the referee, who shall give his decision and his reasons therefor. R.S.O. 1960, c. 252, s. 99 (1), *amended*.

Proceedings  
instituted  
by notice

**74.**—(1) Proceedings for the determination of claims and disputes and for the recovery of damages by reason of negligence, or by way of compensation or otherwise, or for a mandamus or an injunction, shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned.

Notice  
filed in  
county  
court

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1960, c. 252, s. 99 (3, 4), *amended*.

Affidavits  
filed before  
motion

**75.** All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court not fewer than five days before the return day of the motion. R.S.O. 1960, c. 252, s. 99 (5).

Actions  
may be  
transferred  
to referee

**76.**—(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it

may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him. R.S.O. 1960, c. 252, s. 100 (1), *amended*.

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1960, c. 252, s. 100 (2). Limitation

**77.**—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement or maintenance, in such manner as the referee determines, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act. Assessing damages and costs payable by municipalities

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers in the construction, improvement or maintenance of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof. Municipality in default ordered to pay costs

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee, and in making such direction the referee shall have regard to the provisions of subsection 2. In cases of settlement

(4) Where, in the opinion of the referee, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement, and in such case the engineer shall include the amount of such damages and costs in his estimate of the cost of the improvement of the drainage works. R.S.O. 1960, c. 252, s. 102, *amended*. Where extension of drainage works necessary

**78.** When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in When referee proceeds on view

writing a statement thereof sufficiently full to allow the Court of Appeal to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1960, c. 252, s. 105.

Clerk to  
forward  
notice of  
filing

**79.** The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1960, c. 252, s. 106, *amended*.

Decision  
to be sent  
to  
Minister  
and munic-  
ipalities

**80.** A copy of the decision certified by the referee or clerk of the court shall be sent or delivered,

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1960, c. 252, s. 107, *amended*.

Decision,  
manner of  
delivery

**81.** The decision of the referee shall be delivered in the same manner as decisions by the judges of the Supreme Court. R.S.O. 1960, c. 252, s. 108, *part, amended*.

Interlocu-  
tory  
applications

**82.** All interlocutory applications for any of the purposes mentioned in subsection 1 of section 67 shall be made to the referee and his order thereon is final. R.S.O. 1960, c. 252, s. 96.

Appeal  
from  
decision  
of referee

**83.—(1)** Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Court of Appeal within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Court of Appeal or a judge thereof may allow.

Procedure  
in Court  
of Appeal

(2) The decision may be appealed against to the Court of Appeal in the same manner as from a decision of a judge of the Supreme Court sitting in court. R.S.O. 1960, c. 252, s. 117, *amended*.



**84.** In cases brought before the referee, the evidence taken need not be filed, and shall be written out at length by the stenographic reporter only if required by the referee or by the parties to the reference, and, if required by any of the parties to the reference, copies shall be furnished upon such terms as may be fixed by the referee. R.S.O. 1960, c. 252, s. 112, *amended*. Evidence taken need not be filed or written out

**85.** Except as otherwise provided in this Act, the rules and practice for the time being of the Supreme Court shall be followed so far as they are applicable. R.S.O. 1960, c. 252, s. 111, *amended*. Rules and practice

**86.** The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and may prescribe tariffs of fees. R.S.O. 1960, c. 252, s. 119, *amended*. Referee may make rules

**87.** In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court which would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1960, c. 252, s. 120, *amended*. Tariff of costs

**88.** Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1960, c. 252, s. 113. Taxation of costs

**89.** The following are repealed:

Repeal:

- |   |                     |
|---|---------------------|
| 1. <i>The Municipal Drainage Act.</i>         | R.S.O. 1960, c. 252 |
| 2. <i>The Municipal Drainage Aid Act.</i>     | R.S.O. 1960, c. 253 |
| 3. <i>The Ditches and Watercourses Act.</i>   | R.S.O. 1960, c. 109 |
| 4. <i>The Interprovincial Drainage Act.</i>   | R.S.O. 1960, c. 192 |
| 5. <i>The Provincial Aid to Drainage Act.</i> | R.S.O. 1960, c. 311 |

**90.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

**91.** This Act may be cited as *The Drainage Act, 1962-63*. Short title

## FORM 1

(Section 2)

## MUTUAL DRAIN AGREEMENT

We hereby agree as follows:

1. A drainage works shall be constructed on the following land, namely:

(Describe the land)

2. The cost of the drainage works is estimated to be \$.....

3. The drainage works shall be of the following description, namely:

(Set out point of commencement, course and termination, depth and size, bridges, culverts, catch basins and other particulars as agreed upon.)

4. The cost of construction of the drainage works shall be borne by the lands affected, in the following proportions:

Land

Percentage of Cost

5. The cost of maintenance shall be borne by such lands in the same proportion as the cost of construction (or, if in other proportions, set out proportions agreed upon).

Dated at the.....of....., this....day  
of....., 19....

.....  
.....  
(Parties to the Agreement)

R.S.O. 1960, c. 109, Form 3, amended.

## FORM 2

(Section 3)

## PETITION

We, being owners, as shown by the last revised assessment roll, of  
lands in the.....of.....  
(Insert name of municipality or names of municipalities)  
requiring drainage, hereby petition that the area more particularly described  
as follows:

(Describe the area)

may be drained by means of a drainage works.

Signature

Part

Lot

Con. or Plan

Municipality

R.S.O. 1960, c. 252, Form 1, amended.

## FORM 3

(Section 4 (1) )

## REQUISITION FOR EXAMINATION BY ENGINEER

To.....

Clerk of the.....of.....

Sir,—

I am the owner of the following land:

*(Describe the land)*

and I require the construction (or improvement, as the case may be) of a drainage works, and the following lands and roads will be affected:

*(Describe each parcel of land to be affected  
and state the name of the owner thereof.)*

and I request that an engineer be appointed by the council of the municipality and that he appoint a time and place at which he will attend and examine the area in order to make a report.

Dated this.....day of....., 19.....

.....  
*(Signature of party or parties)*

R.S.O. 1960, c. 109, Form 4.

## FORM 4

(Section 4 (7) )

NOTICE OF APPOINTMENT FOR  
EXAMINATION BY ENGINEERTo: *(Name of owner)**(Address)*

Sir,—

You are hereby notified that the engineer appointed by the council of the.....of.....under section 4 of *The Drainage Act, 1962-63* has, in answer to a requisition, fixed the hour of.....o'clock in the.....noon of the.....day of....., 19....., to attend at *(name the place appointed)* and to examine the area and site of the proposed drainage works, being:

*(Here describe the area and site)*

and you, as an owner of land affected, are required to attend at such time and place.

Dated this.....day of....., 19.....

.....  
*(Signature of Clerk)*

R.S.O. 1960, c. 109, Form 5.



## FORM 5

(Section 27)

## FORM OF BY-LAW

A by-law to provide for a drainage works in the.....  
 of.....in the County of....., and  
 for borrowing on the credit of the municipality the sum of \$.....  
 for completing the drainage works (or the sum of \$....., the  
 proportion to be contributed by the municipality for completing the  
 drainage works).

Whereas the requisite number of owners, as shown by the last revised  
 assessment roll, of the property hereinafter set forth requiring drainage  
 have petitioned the council of the.....of.....  
 praying that the following lands and roads may be drained by a drainage  
 works:

*(Set out description of lands and roads)*

And whereas the council has procured a report made by.....  
 .....and the report is as follows:

*(Here set out the engineer's report)*

And whereas the council is of opinion that the drainage of the area  
 described is desirable;

Therefore the council of the.....of.....  
 pursuant to *The Drainage Act, 1962-63*, enacts as follows:

1. The report is hereby adopted, and the drainage works as therein  
 indicated and set forth are hereby authorized and shall be completed in  
 accordance therewith.

2. The Corporation of the.....of.....  
 may borrow on the credit of the Corporation the sum of \$.....,  
 being the funds necessary for the drainage works not otherwise provided  
 for (or being the municipality's proportion of the funds necessary for the  
 drainage works); provided that such sum shall be reduced by the amount  
 of grants and commuted payments with respect to lands and roads assessed,  
 and may issue debentures of the Corporation to that amount in sums of  
 not less than \$50 each, and payable within.....years from the  
 date of such debentures with interest at the rate of.....per cent  
 per annum:

*(Insert the manner of payment annually and whether with or without  
 coupons, and, if the latter, omit the last lines of this paragraph)*

such debentures to be payable at....., and to have  
 attached to them coupons for the payment of interest.

3. For paying the sum of (\$410), the amount charged against such  
 lands and roads for benefit, and the sum of (\$108), the amount charged  
 against such lands and roads for outlet liability, and the sum of (\$135),  
 the amount charged against such lands and roads for injuring liability,  
 apart from lands and roads belonging to or controlled by the municipality  
 and for covering interest thereon for.....years, at the rate of

.....per cent per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned parcels of land and parts of parcels and roads, and the amount of the total special rates and interest against

each parcel or part of parcel respectively shall be divided into..... equal parts, and one such part shall be assessed, levied and collected as

aforesaid, in each year, for.....years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 3 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

Concession	Parcel of land or part thereof	Acres affected	Benefit assessment	Outlet liability assessment	Injuring liability assessment	Estimated grant	To cover interest for .... years at.... per cent	Total special rate	Annual assessment during each year for ..... years
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
10	5	200	100 00	23 00					
10	S. 1/2 6	100	50 00	10 00					
10	N. 1/4 6	50	30 00	5 00					
10	S.W. 1/2 8	100	80 00	13 00					
10	S.W. 1/2 & N. 1/4 9	150	150 00	20 00					
10	4	76	.....	24 00					
10	S. 1/2 3	100	.....	13 00					
9	W. 1/2 5	100	.....		40 00				
9	N. 1/4 6	50	.....		25 00				
9	N.E. 1/2 & N. 1/4 7	150	.....		70 00				
Total for benefit.....			410 00	108 00	135 00				
" outlet.....			108 00						
" injuring.....			135 00						
Roads (and lands) of municipality.....			100 00						
TOTAL.....			\$753 00						

4. For paying the sum of (\$100), the amount assessed against such roads and lands of the municipality, and for covering interest thereon for.....years at the rate of.....per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the.....of .....in each year for.....years, after the passing of this by-law, during which the debentures have to run.



5. This by-law comes into force on the passing thereof, and may be cited as the "..... By-law".

FIRST READING.....

SECOND READING.....

THIRD READING.....

ENACTED this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

R.S.O. 1960, c. 252, Form 2.

## FORM 6

(Section 63)

### PETITION

TO THE HONOURABLE, THE MINISTER OF.....

THE PETITION of The Corporation of the.....  
of.....

Sheweth:

1. On the.....day of....., 19....., the council of The Corporation of the.....of....., under By-law No....., adopted a report prepared by....., dated the.....day of....., 19....., for a drainage works to be known as The.....

2. The total estimated cost of the drainage works to be undertaken is \$.....

3. The approximate area of the lands affected by the drainage works is.....acres.

4. The report of the engineer, dated the.....day of....., 19....., is attached hereto.

5. Your petitioner therefore requests payment to it of the grant provided for in *The Drainage Act, 1962-63*.

Dated at the.....of....., this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

New.



The Drainage Act, 1962-63

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*1st Reading*

December 18th, 1962

*2nd Reading*

*3rd Reading*

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MR. SPOONER

---

# BILL 35

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## The Drainage Act, 1962-63

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MR. SPOONER

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*(Reprinted as amended by the Committees on Agriculture and Municipal Law)*

EXPLANATORY NOTE

This Act is a consolidation and revision of the following:

*The Municipal Drainage Act*  
*The Ditches and Watercourses Act*  
*The Interprovincial Drainage Act*  
*The Provincial Aid to Drainage Act*

*The Municipal Drainage Aid Act*, which provides for the purchase by the Provincial Treasurer of debentures issued in respect of drainage works under *The Municipal Drainage Act*, is repealed as the purpose of this Act is now filled by *The Ontario Municipal Improvement Corporation Act*.

The following are the major changes contained in the Bill:

- (1) "Drainage works" has been defined and extended.
- (2) Drains constructed on requisition follow the same procedures as drains on petition.
- (3) Provision is made for change in the basis of assessment when land use changes substantially.
- (4) Provision is made for notification of Conservation Authorities interested and for sending them a copy of the report.
- (5) Provision is made for paying small assessments in the first year.
- (6) Provision is made for moving drains off road allowances.
- (7) The pollution of drainage works is prohibited.
- (8) Provision is made for the abandonment of drainage works.



BILL 35

1962-63

## The Drainage Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

(a) "benefit" means the benefit to any land from the construction, improvement or maintenance of a drainage works;

(b) "construction" means the original opening, making, excavating, building or completing of a drainage works;

(c) "county" includes a provisional judicial district;

(d) "county court" includes a district court;

(e) "court of revision" means a court of revision constituted under *The Assessment Act*;

R.S.O. 1960,  
c. 23

(f) "drainage works" includes a drain constructed by any means, including the improving of a stream, creek or watercourse, and includes works necessary to control the water table or level within or on agricultural lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;

(g) "engineer" means an engineer registered as a professional engineer under *The Professional Engineers Act*, or a surveyor registered under *The Surveyors Act*;

R.S.O. 1960,  
cc. 309, 389

(h) "initiating municipality" means the local municipality undertaking the construction, improvement or maintenance of a drainage works to which this Act applies;

- (i) "injuring liability" means the part of the cost of the construction, improvement or maintenance of a drainage works required to relieve the owner of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;
- (j) "judge" means a judge of the county or district court of the county or district in which the municipality assessing lands or roads for a drainage works is situate;
- (k) "maintenance" means the preservation and keeping in repair of a drainage works;
- (l) "Minister" means the Minister of Municipal Affairs;
- (m) "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
- (n) "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;
- (o) "public utility" means a person having jurisdiction over any waterworks, sewage works, electric heat, light and power works, telegraph and telephone lines, or gasworks, including works for the production, transmission, distribution and supply of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing;
- (p) "referee" means the referee appointed under this Act;
- (q) "sufficient outlet" means a point at which water can be discharged safely so that it will do no injury to lands or roads. R.S.O. 1960, c. 252, s. 1, *amended*.

Mutual  
agreement  
re drainage  
works

2.—(1) When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works, which shall include the following:

1. A reference to *The Drainage Act, 1962-63*.

1962-63,  
c. ....

2. Descriptions of the lands of the parties to the agreement sufficient for the purposes of registration in the proper registry or land titles office.
3. The estimated cost of the drainage works.
4. A description of the drainage works, including its location and nature.
5. The proportion of the cost of the construction, improvement and maintenance of the drainage works that is to be borne by each of the owners of the lands.
6. The date the agreement was entered into.
7. An affidavit of a subscribing witness to the execution of the agreement by the parties as required by section 34 of *The Registry Act*.

R.S.O. 1960,  
c. 348

(2) A copy of the agreement and the plans and schedules, if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and the agreement or an executed copy thereof may be registered in the proper registry or land titles office.

Filing of  
agreement

(3) An agreement made under this section shall, upon registration in the proper registry or land titles office of the agreement or an executed copy thereof, be binding upon the heirs, executors, administrators, successors and assigns of each of the parties to the agreement.

Registered  
agreement  
binding on  
successors

(4) The subsequent provisions of this Act do not apply to any drainage works constructed under this section. *New.*

Exception

**3.—**(1) Subject to subsection 4, upon the petition (Form 1) of the majority in number of the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in the area requiring drainage as described in the petition within any local municipality, to the council thereof, for the drainage of the area by means of a drainage works, the council, upon notifying by prepaid mail the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, may by by-law or resolution appoint an engineer to make an examination of the area, to prepare a report, including plans, specifications, estimates of the drainage works, and an assessment against the lands and roads within the area requiring drainage and of any other lands and roads liable to be assessed for the drainage works, stating as nearly as may be, in his

Drainage  
works  
constructed  
on petition

R.S.O. 1960,  
c. 62



opinion, the proportion of the cost of the drainage works, including fees of the engineer and of the clerk, to be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. R.S.O. 1960, c. 252, s. 2 (1), *amended*.

Initiating  
proceedings  
for the  
drainage of  
a road

(2) Where a drainage works is required for the drainage of a road or a part thereof, the council of the local municipality in which the road or part thereof is situate may proceed under subsection 1 upon a petition,

R.S.O. 1960,  
c. 171

(a) where the road or part thereof is under the jurisdiction of the Province of Ontario or of a township or county, signed by the engineer or road superintendent appointed under *The Highway Improvement Act* by the Department of Highways, county, township or commission having control over the road or part thereof; and

(b) where the road or part thereof is under the jurisdiction of a city, town or village, signed by the engineer or road superintendent of the municipality. R.S.O. 1960, c. 252, s. 2 (2), *amended*.

Providing  
capacity for  
covered  
drainage  
works

(3) In no case shall the construction of a drainage works by means of the improvement of a creek, stream or natural watercourse include a covered drainage works, unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1960, c. 252, s. 11, *amended*.

Petition  
when  
pumping,  
embanking  
required

(4) Where a drainage works can only be effectually constructed by embanking, pumping or other mechanical operation, the council of the initiating municipality may proceed with the construction thereof or assume such a drainage works only upon the petition of at least two-thirds of the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in the area requiring drainage as described in the petition. R.S.O. 1960, c. 252, s. 2 (3), *amended*.

Petition  
where area  
lies on  
each side of  
boundary  
road

(5) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two local municipalities, the council of either local municipality may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality. R.S.O. 1960, c. 252, s. 61, *amended*.

4.—(1) Where it is necessary, for the proper drainage of any agricultural land, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefited by such drainage may file with the clerk of the local municipality in which his land is situate a requisition (Form 2) requesting that an engineer be appointed. <sup>Drainage works constructed on requisition</sup>

(2) Upon filing the requisition, the owner shall deposit with the clerk of the local municipality the sum of \$100 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs. *New.* <sup>Deposit for expenses</sup>

(3) No drainage works, the whole cost of which will exceed \$2,500, shall be constructed under this section. R.S.O. 1960, c. 109, s. 5 (2), *amended.* <sup>Limit of cost</sup>

(4) Only land lying within 150 rods from the sides of the drainage works and land lying within 150 rods from the point of commencement of the drainage works may be assessed under this section. R.S.O. 1960, c. 252, s. 6, *amended.* <sup>Limit of area to be assessed</sup>

(5) Every drainage works constructed under this section shall be continued to a sufficient outlet. R.S.O. 1960, c. 109, s. 5 (1), *part, amended.* <sup>Sufficient outlet</sup>

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage and to report as to the need for such drainage, the value of such drainage to the land to be served by the drainage works, the damage that will be done to the lands through which the drainage works may be constructed, the amount that should be paid to each owner of land that would be damaged by the drainage works, the estimated cost, and the amount that, in his opinion, should be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. *New.* <sup>Duty of council</sup>

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land that will be affected by such drainage works seven days written notice (Form 3), by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of his examination. *New.* <sup>Notice of examination of area</sup>

(8) Notwithstanding sections 27, 39 and 41, unless the requisition for a drainage works under this section is with- <sup>Adoption of report</sup>



drawn, the council of the municipality shall, subject to any appeals, adopt the report and proceed to implement it in accordance with this Act.

Present  
award  
ditches  
R.S.O. 1960,  
c. 109

(9) Every ditch constructed under *The Ditches and Water-courses Act* shall be maintained in accordance with the award of an engineer providing for such maintenance until such ditch is brought under the provisions of this Act.

Duties of  
engineer

5. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1960, c. 252, s. 4 (1), *amended*.

Power to  
enter lands

6.—(1) The engineer and his assistant when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they deem necessary for the performance of the work and take levels on the land of any person. R.S.O. 1960, c. 252, s. 9 (1), *amended*.

Offence for  
interference  
with  
engineer

(2) Every person who wilfully interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*.

One report  
on two  
or more  
petitions

7.—(1) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. *New*.

Duty to  
make plans,  
specifica-  
tions and  
estimates

(2) The engineer appointed shall make a report, including such plans, profiles, specifications, estimates of the drainage works to be constructed and assessments as may be deemed necessary. R.S.O. 1960, c. 252, s. 7, *part, amended*.

Duties  
re survey

(3) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1960, c. 252, ss. 8 (16), 9 (2), *amended*.

Offence for  
interference  
with bench  
marks, etc.

(4) Every person who interferes with, removes or destroys any bench mark or permanent level established under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*.

8.—(1) The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement or maintenance thereof shall be disposed of, and the amount to be paid to the respective persons entitled to damages, if any, to lands and crops occasioned thereby, and shall include such sums in his estimates of the cost of the construction, improvement or maintenance of the drainage works. R.S.O. 1960, c. 252, s. 8 (7), *amended*.

Report re disposal of material taken from drainage works

(2) The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof, and he shall in his assessment apportion, as appears just, the cost of bridges and culverts between the drainage works and the municipality or municipalities having jurisdiction over such public road.

Bridges and culverts on roads

(3) A local municipality may by by-law assume, as a charge upon the general funds of the municipality, the whole or such part, as the by-law may determine, of the cost of construction, improvement and maintenance of all bridges and culverts rendered necessary by a drainage works crossing any public road or part thereof within the municipality, and, when such a by-law has been passed, it shall not be repealed except with the permission of the referee, and, so long as the by-law remains unrepealed, the engineer shall, in his assessment, apportion the cost of such bridges and culverts in accordance with the by-law or direct that such drainage works be done by and at the expense of the municipality.

By-law as to assessments for bridges, culverts on roads

(4) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and culverts required to afford access from any land to the travelled portion of a public road, and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges and culverts in his assessment for the construction, improvement or maintenance of the drainage works, and they shall, for the purposes of maintenance, be deemed part of the drainage works.

Construction of access bridges

(5) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and water gates rendered necessary by the drainage works upon any land, and the land assessed for the drainage works shall not be nor shall any municipal corporation be liable for keeping such bridges and water gates in repair, but, if the engineer deems it just that any of such bridges or water gates be maintained as part of the drainage works, he may so provide.

Construction of farm bridges

Allowance  
for  
severance

(6) If the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge as provided by subsection 4 or 5, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance.

Allowance  
for private  
drains

(7) Where an existing drain that was not constructed on petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works or is used in connection therewith, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1960, c. 252, s. 8 (1-6), *amended*.

Allowance  
for right  
of way, etc.

(8) The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,

- (a) for the construction or improvement of a drainage works;
- (b) for the disposal of material removed from a drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right-of-way is sufficient for the purposes of the drainage works,

the value of any of such land or the damages, if any, thereto.

Allowance  
for damage  
due to in-  
sufficient  
outlet

(9) Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1960, c. 252, s. 8 (8, 9), *amended*.

Engineer's  
finding,  
drainage  
works not  
required,  
etc.

(10) If the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor,



the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1960, c. 109, s. 15 (4, 5), *amended*.

**9.** Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefited by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement or maintenance of the drainage works in the same manner as is provided in section 11. R.S.O. 1960, c. 252, s. 64, *amended*. Assessing land in neighbouring municipality

**10.—(1)** Where it is deemed necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance or other boundary into or through any municipality until he reaches a sufficient outlet, and in every such case he may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1960, c. 252, s. 63, *amended*. Continuing drainage works beyond the limits of municipality

**(2)** A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1960, c. 252, s. 60 (2). When drainage works not deemed out of initiating municipality

**11.—(1)** Where it is deemed necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of the drainage works in the adjoining Interprovincial drainage works, from Ontario into adjoining province

province to be borne and paid by Ontario and as to the proportion of the cost of the drainage works in Ontario to be borne and paid by the adjoining province. R.S.O. 1960, c. 192, s. 1, *amended*.

Apportionment of cost

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works. R.S.O. 1960, c. 192, s. 3, *amended*.

Extension of drainage works from adjoining province

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. R.S.O. 1960, c. 192, s. 2, *amended*.

Commissioner, appointment and duties

**12.—**(1) The council of a local municipality by by-law may appoint one or more commissioners,

(a) to assist the engineer in the construction or improvement of a drainage works; and

(b) to supervise the maintenance of any drainage works,

and require him or them to report annually on the state of repair of all drainage works under his supervision. R.S.O. 1960, c. 252, s. 82 (2), *amended*.

Powers of commissioner

(2) The commissioner has the same powers as to entry on land as are given to an engineer under section 6. *New*.

Assessment of affected land

**13.** The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1960, c. 252, s. 5 (1), *amended*.

Assessment may be shown in money

**14.** The assessment upon any land or road for a drainage works may be shown by the engineer placing sums of money opposite the land or road, and it is not necessary to insert the fractional part of the whole cost to be borne by the land or road. R.S.O. 1960, c. 252, s. 6, *amended*.



**15.**—(1) The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor. Engineer to distinguish assessments

(2) In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment on the same land or road for the construction, improvement or maintenance of a drainage works and make such allowance therefor as appears just, and in his report he shall state the allowance so made. R.S.O. 1960, c. 252, s. 12, *amended*. Prior assessments to be taken into consideration

**16.**—(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. R.S.O. 1960, c. 252, s. 2 (4, 5), *amended*. Outlet liability, lands assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road. Injuring liability, lands assessed for

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. R.S.O. 1960, c. 252, s. 2 (7), *amended*. Basis of assessment

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by subsection 1 of section 3 unless within the area therein described. R.S.O. 1960, c. 252, s. 2 (6). Certain owners not to count for or against petition

**17.** The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works and shall indicate the assessment of the cost of lateral drains and the assessments of lands that are not agricultural lands. R.S.O. 1960, c. 252, s. 13, *amended*. Engineer to list separately excepted lands and lands in different municipalities

**18.** Where the engineer deems it equitable that the cost of the maintenance of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and report the basis upon which the cost of maintenance of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1960, c. 252, s. 14, *amended*. Variations in assessments for maintenance

Subsequent  
subdivision  
of land

**19.**—(1) Where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall direct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided.

Notice to  
affected  
owners

(2) The clerk of the local municipality shall forthwith send a copy of the direction by prepaid mail to the owners of the parts into which the parcel is divided.

Apportion-  
ment of  
assessment

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed.

Costs of  
engineer  
and clerk

(4) The costs, including the fees of the engineer and of the clerk of the local municipality, shall be borne and paid by the parties in the manner fixed or apportioned by the engineer or, on appeal, by the judge. R.S.O. 1960, c. 252, s. 5 (2-5), *amended*.

Appeal of  
apportion-  
ment

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the judge within thirty days after the date a copy of the apportionment is sent to him by the clerk. *New*.

Subsequent  
connections  
with  
drainage  
works

**20.**—(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is substantially altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1960, c. 252, s. 5 (6), *amended*.

Use of  
amount  
collected

(2) The amount collected under subsection 1 shall be paid into a special bank account and used only for the future improvement or maintenance of the whole or any part of the drainage works. *New*.



**21.—**(1) Where a drainage works or a part thereof is to be constructed, improved or maintained upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the public utility may construct, improve or maintain such drainage works or part. R.S.O. 1960, c. 252, s. 8 (20), *amended*. Public utility, option to construct drainage works

(2) Where the public utility does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1960, c. 252, s. 8 (21), *amended*. Non-exercise by public utility

(3) In addition to all other sums lawfully assessed against the property of the public utility under this Act, and even if the public utility is not otherwise assessable under this Act, the public utility shall be assessed for and shall pay all the increase of cost of such drainage works or part caused by the existence of the works of the public utility. R.S.O. 1960, c. 252, s. 8 (22). Increased cost, how borne

**22.—**(1) The report of the engineer shall be filed with the clerk of the initiating municipality as soon as completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality. R.S.O. 1960, c. 252, s. 8 (17), *amended*. Time for filing report

(2) If the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claim for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint some other engineer. Engineer may forfeit compensation and council appoint another

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1960, c. 252, s. 8 (18, 19), *amended*. By-law not invalid by reason report not filed in six months

**23.—**(1) The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 7, *part, amended*. Fees of engineer part of drainage works

(2) The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. Account of engineer

Review by  
judge

(3) The council of the local municipality may apply, within sixty days after the engineer's account is presented to the clerk of the municipality, to the judge, who shall review the account and make any alteration he deems just, and the clerk shall give at least thirty days notice by prepaid mail to the engineer and to the head of the municipality of the appointment for such review. R.S.O. 1960, c. 252, s. 16, *amended*.

Appeal to  
referee

(4) Where the account of the engineer exceeds \$500, the decision of the judge may be appealed to the referee within thirty days after the date of the decision of the judge. *New*.

Copy of  
report  
to other  
municipalities  
affected,  
etc.

24.—(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall send a copy of the report,

- (a) to the clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate;
- (b) to the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has jurisdiction over any land affected by the report;
- (c) to any railway company or public utility affected by the report, other than by way of assessment; and
- (d) to the Minister of Lands and Forests where land under his jurisdiction may be affected by the report. R.S.O. 1960, c. 252, ss. 8 (23), 65, 103 (1), *amended*.

Clerk of  
initiating  
municipality to  
notify  
parties  
assessed

R.S.O. 1960,  
c. 62

(2) The clerk of the initiating municipality shall send a notice by prepaid mail to the owners, as shown by the last revised assessment rolls to be the owners of lands and roads assessed for the drainage works in the area found by the engineer to require drainage, and to all other owners of lands and roads in the initiating municipality assessed for the drainage works and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered.

Clerk to  
notify  
parties  
assessed

(3) The clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate shall send a notice by prepaid mail to the owners, as



shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 17, *amended*.

(4) The clerk of each local municipality in which any land or road that is assessed for the drainage works is situated shall send a notice by prepaid mail to each owner of land in the municipality in respect of which the report provides for compensation and other allowances, if any, stating the date of the filing of the report, the amount of compensation and allowances awarded to the owner, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 8 (14), *amended*. Clerk to notify owners to be compensated

(5) The date of the council meeting at which the report will be considered shall not be less than ten days after the last notice has been mailed under subsections 2, 3 and 4. *New*. Council meeting for consideration of report

**25.** The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, cause the report to be read aloud by the clerk, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1960, c. 252, s. 18, *amended*. Consideration of report

**26.—(1)** If the petition at the close of such council meeting contains a sufficient number of names to comply with subsection 1 or 4 of section 3, as the case may be, the council may proceed to adopt the report, and no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. Sufficiency of petition

(2) If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 25, do not comply Liability of persons who have withdrawn where petition insufficient



with the requirements of subsection 1 or 4 of section 3, as the case may be, the persons who have withdrawn from the petition are on their respective assessments in the report, with 100 per cent added thereto, together with the other original petitioners on their respective assessments in the report, *pro rata*, chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the persons liable, and shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 20, *part, amended*.

Adoption  
of report

**27.** A report may be adopted by by-law (Form 4) and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. *New*.

Referring  
report back  
to engineer

**28.** The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1960, c. 252, s. 19, *amended*.

Copy of  
by-law to  
be sent to  
owners

**29.** The council of the initiating municipality, within twenty days after the adoption of the report, and every other local municipality in which any land or road is assessed for the drainage works, within twenty days of the receipt of a copy of the provisional by-law from the initiating municipality, shall cause a copy of the provisional by-law of the initiating municipality and a notice of the sitting of the court of revision to be sent by prepaid mail to each owner, as shown by the last revised assessment roll to be the owner of land assessed for the drainage works, and to each person entitled to notice under subsection 4 of section 24. R.S.O. 1960, c. 252, s. 25, *amended*.

Appeal to  
court of  
revision

**30.—(1)** Any owner of land, or, where roads in the local municipality are assessed, any ratepayer, who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given or allowance made as to type of use of land, may personally, or by his agent, give notice in writing to the clerk of the municipality that he considers himself aggrieved for any or all such causes. R.S.O. 1960, c. 252, s. 35, *amended*.

(2) The trial of complaints shall be had in the first instance by and before the court of revision of the local municipality in which the lands and roads assessed are situate, and the first sitting of the court shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law. Time for holding court

(3) Every notice of appeal to the court of revision shall be given to the clerk of the local municipality at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1960, c. 252, s. 36, *amended*. Notices of appeal

(4) Except as otherwise provided in this Act, the provisions of *The Assessment Act* as to the constitution and powers of and trial of complaints by the court of revision and as to appeals therefrom to the judge apply *mutatis mutandis* to such trials and appeals under this Act. R.S.O. 1960, c. 252, s. 28 (1), *amended*. Constitution of court of revision  
R.S.O. 1960, c. 23

**31.** When the ground of complaint is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or judge that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or judge, the court or judge shall adjourn the hearing of the appeal for a time sufficient to enable the clerk to notify by prepaid mail such persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or judge shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1960, c. 252, s. 42, *amended*. Adjournment of court to notify persons affected by alterations

**32.—(1)** An appeal from the court of revision lies to the judge, not only against a decision of the court of revision, but also against the omission, neglect or refusal of the court of revision to hear or decide an appeal. R.S.O. 1960, c. 252, s. 44, *amended*. Appeal to county judge

(2) At the court so held, the judge shall hear the appeal and may adjourn the hearing from time to time, but shall give his decision not later than thirty days after the hearing. R.S.O. 1960, c. 252, s. 48. Time for giving judgment



Decision to  
be final

(3) The decision of the judge is final. R.S.O. 1960, c. 252, s. 54.

Clerk to  
alter  
assessments

**33.** Any change in an assessment made by the court of revision or by the judge shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or by the judge. R.S.O. 1960, c. 252, s. 55, *amended*.

Appeal by  
conservation  
authority  
having  
jurisdiction  
R.S.O. 1960,  
c. 62

**34.** Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority established under *The Conservation Authorities Act* has jurisdiction, the conservation authority may appeal from the report of the engineer to the referee on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under such Act, and the provisions of section 35 respecting the notice of appeal, the powers of the referee and the decision of the referee apply to any such appeal. R.S.O. 1960, c. 252, s. 8 (13), *amended*.

Appeal  
from report  
to referee

**35.** Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the ground that it does not comply with the requirements of this Act, or that the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof, or that the drainage works should be modified, on grounds to be stated, may appeal therefrom to the referee, and in every such case a written notice of appeal shall be served upon the head of the council of the initiating municipality or the clerk thereof within thirty days after the date of mailing of the copy of the provisional by-law under section 29, and the referee may hear and determine the appeal in a summary manner on his own view of the premises and after hearing the parties and, if he sees fit, their witnesses, or he may direct that the further proceedings on such appeal shall be as hereinafter provided in other cases of appeals to the referee, and the referee on an appeal under this section may make such order as appears just. R.S.O. 1960, c. 252, s. 8 (10, 11), *amended*.

Appeal  
where  
report  
indicates  
drainage  
works not  
required

**36.** Where the engineer reports that the drainage works is not required or is impractical or cannot be constructed under section 3 or 4, as the case may be, any owner affected by the report, within twenty-one days from the date of the mailing of the notice under subsection 10 of section 8, may appeal therefrom to the referee whose decision is final. R.S.O. 1960, c. 109, s. 21 (1), *amended*.

**37.**—(1) The council of any local municipality to which a copy of the report was sent under subsection 1 of section 24 may, within six weeks after the report is sent to the clerk, appeal to the referee from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal. <sup>Appeal by municipality</sup>

(2) The reasons for appeal may be the following, or any of them, <sup>Grounds for appeal</sup>

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) that the course of the drainage works or any part thereof should be altered;
- (c) that the drainage works does not provide a sufficient outlet;
- (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
- (e) that a petition has been received by the council of the appealing municipality, as provided by subsection 1 of section 3, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;
- (f) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. R.S.O. 1960, c. 252, s. 67, *amended*.

**38.** Upon an appeal under section 37, the referee shall hear and adjudicate upon all questions raised by the notice of appeal, as they may affect any municipality in which any land or road is assessed for the drainage works, and he may give to any municipality, through or into which the proposed drainage works will be continued, leave to enlarge the drainage works, pursuant to petition in that behalf and according to the report of an engineer appointed by the referee for that purpose, and may make such order as appears just. R.S.O. 1960, c. 252, s. 68 (1), *amended*. <sup>Powers of referee on appeal</sup>



Construction  
or im-  
provement  
by-law

**39.** Where an initiating municipality has adopted a report for the construction or improvement of a drainage works, after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council of the municipality may pass the provisional by-law, thereby authorizing the construction or improvement of the drainage works. R.S.O. 1960, c. 252, s. 20, *part, amended*.

Municipalities  
required  
to raise  
cost

**40.**—(1) The council of each local municipality to which a copy of a report is required to be sent under subsection 1 of section 24 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction and improvement of the drainage works within a reasonable time after the time fixed by subsection 2 for the passing of the by-law. R.S.O. 1960, c. 252, s. 66, *amended*.

Imposition  
of special  
assessment

(2) The council of each local municipality that is required to raise the whole or any part of the cost of the construction or improvement of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction or improvement of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council prescribes.

Communi-  
cation of  
special  
assessment

(3) The council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1960, c. 252, s. 22, *part, amended*.

Assessments  
of \$25  
or less

(4) Where the assessment against any parcel of land is \$25 or less, the council of any local municipality may provide that the assessment shall be paid out of the general funds of the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. *New*.

Application  
of R.S.O.  
1960, c. 23

(5) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1960, c. 252, s. 22, *part, amended*.

Abandon-  
ment of  
work by  
initiating  
municipality

**41.** A by-law authorizing the construction, improvement or maintenance of a drainage works may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1960, c. 252, s. 68 (3), *amended*.



**42.** The council of a local municipality may by by-law provide for the payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act. R.S.O. 1960, c. 109, s. 4 (2), *amended*. Fees of clerk

**43.** If no notice of intention to make application to quash a by-law is served upon the clerk of the municipality within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1960, c. 252, s. 26, *amended*. Quashing of by-law

**44.** A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level established under subsection 3 of section 7, and any damages ordered by the court to be paid shall be paid to the municipality and used for the construction, improvement or maintenance of the drainage works. *New*. Municipality may sue for damages to drainage works

**45.** Except where otherwise provided by this Act or by a decision on an appeal, the cost of and incidental to the passing and serving of by-laws or to any reference or appeal or the construction, improvement and maintenance of a drainage works shall form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 91, *amended*. Expenses to be deemed part of the cost of drainage works

**46.** Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1960, c. 252, s. 92. Tenant's covenant to pay taxes, when to include drainage assessments

**47.—(1)** Any by-law heretofore or hereafter passed by the council of a local municipality for the assessment upon the lands and roads liable to contribute for a drainage works and Amendment of by-law when insufficient funds provided

that has been acted upon by the doing of the work in whole or in part, but does not provide sufficient funds to complete the drainage works or the municipality's share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council, and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law. R.S.O. 1960, c. 252, s. 69 (1).

When lands  
and roads  
in another  
municipality  
assessable

(2) Where in any such case lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has the same right of appeal to the referee as to the improper expenditure or illegal or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1960, c. 252, s. 69 (2), *amended*.

Amendment  
of by-law  
when  
excessive  
funds  
provided

(3) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works acted upon by the completion of the drainage works that provides more than sufficient funds for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable shall be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus money shall be divided *pro rata* among the contributing municipalities, and every such surplus until wholly paid out shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works in each and every year after the completion of the drainage works, and, in case such assessment upon any land has been commuted or anticipated by payment in full, payment shall be made to the owner of such lands as shown by the last revised assessment roll of the municipality in all respects as if such assessment had not been so commuted or anticipated. R.S.O. 1960, c. 252, s. 69 (3).

Maintenance  
of drainage  
works  
and cost

48. Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained by each local municipality



through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of the lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer in a report for the maintenance of the drainage works or on appeal therefrom. R.S.O. 1960, c. 252, s. 71, *amended*.

**49.**—(1) The council of any local municipality under-taking the repair of a drainage works shall, before commencing the repairs,

Service of by-law on municipality liable for contribution, and appeal

- (a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and
- (b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the referee on the ground that the amount assessed against the lands and roads in such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such drainage works has never been completed through the default or neglect of the municipality whose duty it was to do the work, and the referee on such appeal may confirm such provisional by-law, or may direct that it be amended or that it not be passed, as appears just. R.S.O. 1960, c. 252, s. 74 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the treasurer of the initiating municipality. R.S.O. 1960, c. 252, s. 74 (2), *amended*.

Council served to furnish amount required

**50.**—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance

Varying original assessments for maintenance

of the drainage works may make an application to the referee, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report, but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1960, c. 252, s. 75 (1), *amended*.

Proceedings  
on report of  
engineer

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.

Appeal from  
report of  
engineer

(3) Any council served with a copy of such report may appeal to the referee from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable, and the proceedings on such appeal shall be the same as in other cases of appeal to the referee.

Appeal to  
court of  
revision

(4) Any owner of land, and any ratepayer in a municipality in which roads are assessed for such maintenance, may appeal from the assessment in the report in the manner provided in the case of the construction of the drainage works. R.S.O. 1960, c. 252, s. 75 (2-4), *amended*.

Basis of  
future  
assessments

(5) Such assessment as so varied shall thereafter, until it is further varied, form the basis of any assessment for maintenance of the drainage works affected thereby. R.S.O. 1960, c. 252, s. 75 (5).

Deepening,  
widening or  
extending  
without  
report of  
engineer

**51.—**(1) The council of any local municipality, whose duty it is to maintain a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed, may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction or maintenance of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening and extending is not more than one-fifth of the cost of the construction, and does not in any case exceed \$1,500. R.S.O. 1960, c. 252, s. 76, *amended*.

Moving  
drainage  
works  
off road

(2) Where the Province of Ontario or any municipality or suburban road commission desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by



the municipality whose duty it is to maintain the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the Province, municipality or commission, as the case may be. *New.*

**52.**—(1) Where, for the better use or maintenance of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is deemed expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs and other protective works as ancillary to the drainage works, or to otherwise improve, extend or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain the drainage works or any part thereof may, without the petition required by subsection 1 of section 3 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. <sup>Improving, upon examination and report by engineer</sup>

(2) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. <sup>Powers and duties of engineer</sup>

(3) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1960, c. 252, s. 77 (1, 2), *amended*. <sup>Proceedings on report and appeals</sup>

**53.**—(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and keep in repair the drainage works, the municipality is compellable by mandamus issued by the referee or a court of competent jurisdiction to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance, or such of the powers as to the referee or court appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1960, c. 252, s. 80 (1), *amended*. <sup>Power to compel repairs</sup>



Municipality  
liable for  
damages  
caused by  
non-repair

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain a drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of repair of the drainage works.

No liability  
where  
drainage  
works  
blocked by  
ice or snow

(3) The local municipality whose duty it is to maintain a drainage works is not liable in damages for any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1960, c. 252, s. 80 (4, 5), *amended*.

Persons  
responsible  
for  
obstruction  
to remove  
it on notice

54.—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the land adjoining the drainage works or the owner or occupant thereof is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain the drainage works or by a commissioner appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the commissioner shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1960, c. 252, s. 82 (1), *amended*.

Collection  
of cost of  
removal by  
municipality

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 82 (3), *amended*.

Removal of  
minor  
obstructions

55. The council of a local municipality may by by-law direct that the commissioner appointed by it shall from time to time remove from any drainage works all weeds and brushwood, fallen timber or other minor obstruction for which the owner of the lands adjacent to the drainage works or the owner or occupant thereof may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1960, c. 252, s. 83, *part, amended*.

**56.** It is not necessary to assess and levy the amount charged for maintenance more than once in every five years unless in the meantime the total expense incurred exceeds the sum of \$1,000. R.S.O. 1960, c. 252, s. 83, *part, amended*. When levy for maintenance necessary

**57.** Every person who obstructs, fills up or injures or destroys by any means any drainage works is guilty of an offence and on summary conviction, in addition to his liability in civil damages, is liable to a fine of not less than \$10 and not more than \$100 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1960, c. 252, s. 84, *amended*. Penalty for injury to drainage works

**58.** For the better maintenance of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may pass by-laws for appointing a commissioner or commissioners with power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair, as may be set forth in the by-law appointing them, and for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1960, c. 252, s. 86 (1), *amended*. Appointment of commissioner for pumping drainage works

**59.**—(1) Except as authorized by a by-law of the initiating municipality approved by the Ontario Water Resources Commission, no person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water. Pollution of drains prohibited

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. *New*. Fine

**60.**—(1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of the receipt of such request and of its intention to act thereon unless any owner, within ten days of the Abandonment on petition



mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment.

Engineer's  
report  
may be  
required

(2) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just.

Procedures  
on report

(3) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* as on a report for the construction of a drainage works.

Abandon-  
ment by  
council

(4) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

Disburse-  
ment of  
remaining  
funds

(5) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor. *New.*

Provincial  
grants,  
drainage  
works  
eligible  
for

**61.**—(1) Grants may be made under this Act only in respect of the cost of a drainage works that drains agricultural lands, and, in computing the cost thereof for the purpose of grants, the cost of all embanking and pumping machinery installed shall be included.

Exceptions

(2) Grants shall not be made in respect of the cost of lateral drains or of drainage works constructed under section 2 or 4 or of costs assessed against lands other than agricultural lands. R.S.O. 1960, c. 311, s. 2 (1, 2), amended.

Cash con-  
tributions  
to be  
deducted  
from cost  
1960-61,  
c. 30 (Can.)

(3) For the purpose of computing grants under this Act, any contribution, except a contribution by the Government of Canada under the *Agricultural Rehabilitation and Development Act* (Canada), received or receivable by the initiating municipality with respect to a drainage works shall be deducted from the cost thereof. R.S.O. 1960, c. 311, s. 2 (3), amended.

Where  
another  
provincial  
grant  
payable

**62.** Where a grant is paid under this Act in respect of the cost of a drainage works that includes the cost of a drainage works upon which a grant is payable under another Act of

the Legislature, the grant payable under such other Act shall be reduced by an amount equal to that portion of the grant that was paid under this Act in respect of the cost of the part of the drainage works upon which the grant is payable under the other Act. R.S.O. 1960, c. 311, s. 3.

**63.**—(1) Where the council of a local municipality initiates a drainage works, it shall forward to the Minister an application (Form 5) accompanied by a copy of the engineer's report as it may have been amended on appeal. Application for grant

(2) A grant may be refused by the Minister if the application is not submitted by the council of the local municipality within three months after the passing of the by-law and before the commencement of the work. Time for making application

(3) Notwithstanding subsection 1, where the council of a local municipality must perform emergency work under this Act before it is possible to obtain and adopt an engineer's report, it may submit an application for a grant in accordance with subsection 1 after the commencement of the work if it has notified the Minister within ten days after the commencement of the work. R.S.O. 1960, c. 311, s. 4, *amended*. Emergency work

**64.**—(1) Upon receipt of an application forwarded in the manner specified in section 63, the Minister, if it appears to him that the drainage works is or includes a drainage works that may be eligible for a grant, may cause an examination thereof to be made by an officer or employee of the Department, who shall report fully thereon and upon all the matters alleged in the application. Examination of drainage works

(2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the drainage works, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of, Payments

- (a) where the drainage works is in a county,  $33\frac{1}{3}$  per cent of the cost of the drainage works as described and limited in section 61; or
- (b) where the drainage works is in a municipality in a territorial district or a provisional county,  $66\frac{2}{3}$  per cent of the cost of the drainage works as described and limited in section 61.



Distribu-  
tion and  
application  
of grant

(3) The grant shall be distributed by the initiating municipality among all interested municipalities according to the engineer's assessment on agricultural land, or as altered on appeal, and in each municipality the amount of the grant shall be applied to reduce the assessment on each parcel of agricultural land affected. R.S.O. 1960, c. 311, s. 5, *amended*.

Initiation of  
drainage  
works in  
unorganized  
territory

**65.**—(1) The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which grants may be given under subsection 2.

Grants in  
unorganized  
territory

(2) Where a drainage works is in territory without municipal organization, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature an amount not exceeding 80 per cent of the cost of the drainage works as described and limited in section 61. R.S.O. 1960, c. 311, s. 6 (1, 2).

Referee,  
appoint-  
ment

**66.**—(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. R.S.O. 1960, c. 252, s. 93 (1), *amended*.

Appoint-  
ment of  
acting  
referee

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee. *New*.

Qualifica-  
tion

(3) The referee or an acting referee shall be a justice of the Supreme Court, a judge of a county court or a barrister of at least ten years standing at the Bar of Ontario. R.S.O. 1960, c. 252, s. 93 (3), *amended*.

Referee  
not to  
practise  
under Act

(4) No referee or acting referee shall practise as a solicitor or barrister in any matter arising under this Act or act as legal agent or adviser in any such matter. R.S.O. 1960, c. 252, s. 93 (5), *amended*.

Salary

(5) The referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council determines, together with his reasonable travelling expenses. R.S.O. 1960, c. 252, s. 93 (6), *amended*.

Powers of  
referee

**67.**—(1) In respect of all applications and proceedings before him, the referee has the powers of a judge of the Supreme Court, including the production of books and papers, the amendment of notices of appeal and of notices of claims for compensation or damages, and of all other notices and



proceedings, and he may correct errors or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do justice between the parties, and he may also grant an injunction or a mandamus in any matter before him under this Act.

(2) The referee has power to determine the validity of all petitions, resolutions, reports and provisional or other by-laws, whether or not objections thereto have been stated as grounds of appeal to him, and to amend and correct any provisional by-law in question, and, with the engineer's consent and upon evidence given, to amend the report in such manner as appears just, and upon such terms as to notice or otherwise as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the court of revision or a judge. <sup>Power to determine validity of proceedings and amend report</sup> R.S.O. 1960, c. 252, s. 95 (2, 3), *amended*.

**68.**—(1) The referee at any time after an appeal or reference is made to him may give directions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise, and may give an appointment to any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, the hearing shall be in the county or one of the counties in which the drainage works or proposed drainage works is or is to be situate or in which lands are assessed therefor. <sup>Referee to direct procedure</sup>

(2) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court. <sup>Clerk of court</sup> R.S.O. 1960, c. 252, s. 104 (1, 2).

(3) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs. <sup>Fees of clerk</sup> R.S.O. 1960, c. 252, s. 104 (3), *amended*.

(4) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county <sup>Referee's clerk</sup>

court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs.

**Subpoenas**

(5) Subpoenas for the attendance of witnesses at the hearing, tested in the name of the referee, may be issued by the clerk of the county court of the county in which the case is to be heard.

**Steno-  
graphic  
reporters**

(6) The referee may from time to time employ stenographic reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee directs. R.S.O. 1960, c. 252, s. 104 (5-7), *amended*.

**Use of  
court  
house**

**69.** When an appointment is given by the referee for the hearing of any matter under this Act in any municipality wherein a court house is situated, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments set apart in the county for the administration of justice. R.S.O. 1960, c. 252, s. 109.

**Sheriffs,  
etc., to  
assist  
referee**

**70.** Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid by the county or counties interested such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1960, c. 252, s. 110, *amended*.

**Notice of  
appeal from  
assessment  
to be filed**

**71.** A copy of the notice of appeal by any municipality from the report of an engineer or from a provisional by-law, with an affidavit of service thereof, shall, within the time limited by this Act for the service of the notice, be filed in the office of the clerk of the county court of the county or union of counties in which the initiating municipality is situate. R.S.O. 1960, c. 252, s. 97, *amended*.

**Amendment  
of by-law  
to carry out  
decision of  
referee**

**72.—(1)** The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1960, c. 252, s. 98, *amended*.

**Jurisdiction  
of referee  
on appeal**

(2) Upon an appeal to the referee, he shall hear and adjudicate upon all questions raised in the notice of appeal and make such order as appears just, and may direct that the report appealed from be amended. R.S.O. 1960, c. 252, s. 103 (2), *amended*.



(3) The costs of such an appeal are in the discretion of the referee. R.S.O. 1960, c. 252, s. 103 (3). Costs of appeal

**73.** Subject to section 76, applications to set aside, declare void or otherwise directly or indirectly to attack the validity of any petition, report of an engineer, resolution of a council, provisional by-law or by-law relating to a drainage works, as well as all proceedings to determine claims and disputes arising in respect of anything done or required to be done under this Act or consequent thereon, or by reason of negligence, or for a mandamus or injunction, shall be made to and shall be heard and tried by the referee, who shall give his decision and his reasons therefor. R.S.O. 1960, c. 252, s. 99 (1), *amended*. Applications to set aside by-law, report heard

**74.**—(1) Proceedings for the determination of claims and disputes and for the recovery of damages by reason of negligence, or by way of compensation or otherwise, or for a mandamus or an injunction, shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned. Proceedings instituted by notice

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1960, c. 252, s. 99 (3, 4), *amended*. Notice filed in county court

**75.** All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court not fewer than five days before the return day of the motion. R.S.O. 1960, c. 252, s. 99 (5). Affidavits filed before motion

**76.**—(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him. R.S.O. 1960, c. 252, s. 100 (1), *amended*. Actions may be transferred to referee

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1960, c. 252, s. 100 (2). Limitation

Assessing  
damages  
and costs  
payable  
by municipi-  
palities

**77.**—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement or maintenance, in such manner as the referee determines, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

Municipi-  
pality in  
default  
ordered to  
pay costs

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers in the construction, improvement or maintenance of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof.

In cases  
of settle-  
ment

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee, and in making such direction the referee shall have regard to the provisions of subsection 2.

Where  
extension  
of drainage  
works  
necessary

(4) Where, in the opinion of the referee, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement, and in such case the engineer shall include the amount of such damages and costs in his estimate of the cost of the improvement of the drainage works. R.S.O. 1960, c. 252, s. 102, *amended*.

When  
referee  
proceeds  
on view

**78.** When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in writing a statement thereof sufficiently full to allow the Court of Appeal to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1960, c. 252, s. 105.

Clerk to  
forward  
notice of  
filing

**79.** The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing

shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1960, c. 252, s. 106, *amended*.

**80.** A copy of the decision certified by the referee or clerk of the court shall be sent or delivered, Decision to be sent to Minister and municipalities

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1960, c. 252, s. 107, *amended*.

**81.** The decision of the referee shall be delivered in the same manner as decisions by the judges of the Supreme Court. R.S.O. 1960, c. 252, s. 108, *part, amended*. Decision, manner of delivery

**82.** All interlocutory applications for any of the purposes mentioned in subsection 1 of section 67 shall be made to the referee and his order thereon is final. R.S.O. 1960, c. 252, s. 96. Interlocutory applications

**83.**—(1) Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Court of Appeal within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Court of Appeal or a judge thereof may allow. Appeal from decision of referee

(2) The decision may be appealed against to the Court of Appeal in the same manner as from a decision of a judge of the Supreme Court sitting in court. R.S.O. 1960, c. 252, s. 117, *amended*. Procedure in Court of Appeal

**84.** In cases brought before the referee, the evidence taken need not be filed, and shall be written out at length by the stenographic reporter only if required by the referee or by the parties to the reference, and, if required by any of the parties to the reference, copies shall be furnished upon such terms as may be fixed by the referee. R.S.O. 1960, c. 252, s. 112, *amended*. Evidence taken need not be filed or written out

**85.** Except as otherwise provided in this Act, the rules and practice for the time being of the Supreme Court shall be followed so far as they are applicable. R.S.O. 1960, c. 252, s. 111, *amended*. Rules and practice



Referee  
may make  
rules

**86.** The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and may prescribe tariffs of fees. R.S.O. 1960, c. 252, s. 119, *amended*.

Tariff of  
costs

**87.** In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court which would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1960, c. 252, s. 120, *amended*.

Taxation  
of costs

**88.** Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1960, c. 252, s. 113.

Repeal:

**89.** The following are repealed:

R.S.O. 1960,  
c. 252

1. *The Municipal Drainage Act.*

R.S.O. 1960,  
c. 253

2. *The Municipal Drainage Aid Act.*

R.S.O. 1960,  
c. 109

3. *The Ditches and Watercourses Act.*

R.S.O. 1960,  
c. 192

4. *The Interprovincial Drainage Act.*

R.S.O. 1960,  
c. 311

5. *The Provincial Aid to Drainage Act.*

Commence-  
ment

**90.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**91.** This Act may be cited as *The Drainage Act, 1962-63*.

## FORM 1

(Section 3)

## PETITION FOR DRAINAGE WORKS

We, being owners, as shown by the last revised assessment roll, of  
lands in the.....of.....  
(Insert name of municipality or names of municipalities)  
requiring drainage, hereby petition that the area more particularly described  
as follows:

(Describe the area)

may be drained by means of a drainage works.

Signature Part Lot Con. or Plan Municipality

R.S.O. 1960, c. 252, Form 1, amended.

## FORM 2

(Section 4(1))

## REQUISITION FOR EXAMINATION BY ENGINEER

To.....

Clerk of the.....of.....

Sir,—

I am the owner of the following land:

(Describe the land)

and I require the construction (or improvement, as the case may be) of a  
drainage works, and the following lands and roads will be affected:

(Describe each parcel of land to be affected  
and state the name of the owner thereof.)

and I request that an engineer be appointed by the council of the munici-  
pality and that he appoint a time and place at which he will attend and  
examine the area in order to make a report.

Dated this.....day of....., 19.....

(Signature of party or parties)

R.S.O. 1960, c. 109, Form 4.

## FORM 3

(Section 4 (7) )

NOTICE OF APPOINTMENT FOR  
EXAMINATION BY ENGINEER

To: (Name of owner)

(Address)

Sir,—

You are hereby notified that the engineer appointed by the council of the.....of.....under section 4 of *The Drainage Act, 1962-63* has, in answer to a requisition, fixed the hour of.....o'clock in the.....noon of the.....day of....., 19....., to attend at (name the place appointed) and to examine the area and site of the proposed drainage works, being:

(Here describe the area and site)

and you, as an owner of land affected, are required to attend at such time and place.

Dated this.....day of....., 19.....

.....  
(Signature of Clerk)

R.S.O. 1960, c. 109, Form 5.

FORM 4

(Section 27)

FORM OF BY-LAW

A by-law to provide for a drainage works in the.....  
of.....in the County of....., and  
for borrowing on the credit of the municipality the sum of \$.....  
for completing the drainage works (or the sum of \$....., the  
proportion to be contributed by the municipality for completing the  
drainage works).

Whereas the requisite number of owners, as shown by the last revised  
assessment roll, of the property hereinafter set forth requiring drainage  
have petitioned the council of the.....of.....  
praying that the following lands and roads may be drained by a drainage  
works:

*(Set out description of lands and roads)*

And whereas the council has procured a report made by.....  
.....and the report is as follows:

*(Here set out the engineer's report)*

And whereas the council is of opinion that the drainage of the area  
described is desirable;

Therefore the council of the.....of.....,  
pursuant to *The Drainage Act, 1962-63*, enacts as follows:

1. The report is hereby adopted, and the drainage works as therein  
indicated and set forth are hereby authorized and shall be completed in  
accordance therewith.

2. The Corporation of the.....of.....  
may borrow on the credit of the Corporation the sum of \$.....,  
being the funds necessary for the drainage works not otherwise provided  
for (or being the municipality's proportion of the funds necessary for the  
drainage works); provided that such sum shall be reduced by the amount  
of grants and commuted payments with respect to lands and roads assessed,  
and may issue debentures of the Corporation to that amount in sums of  
not less than \$50 each, and payable within.....years from the  
date of such debentures with interest at the rate of.....per cent  
per annum:

*(Insert the manner of payment annually and whether with or without  
coupons, and, if the latter, omit the last lines of this paragraph)*

such debentures to be payable at....., and to have  
attached to them coupons for the payment of interest.

3. For paying the sum of (\$410), the amount charged against such  
lands and roads for benefit, and the sum of (\$108), the amount charged  
against such lands and roads for outlet liability, and the sum of (\$135),  
the amount charged against such lands and roads for injuring liability,  
apart from lands and roads belonging to or controlled by the municipality  
and for covering interest thereon for.....years, at the rate of



.....per cent per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned parcels of land and parts of parcels and roads, and the amount of the total special rates and interest against

each parcel or part of parcel respectively shall be divided into..... equal parts, and one such part shall be assessed, levied and collected as

aforsaid, in each year, for.....years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 3 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

Concession	Parcel of land or part thereof	Acres affected	Benefit assessment	Outlet liability assessment	Injuring liability assessment	Estimated grant	To cover interest for ....years at....per cent	Total special rate	Annual assessment during each year for .....years
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
10	5	200	100 00	23 00					
10	S. $\frac{1}{2}$ 6	100	50 00	10 00					
10	N. $\frac{1}{4}$ 6	50	30 00	5 00					
10	S. $\frac{1}{2}$ 8	100	80 00	13 00					
10	S. $\frac{1}{2}$ & N.W. $\frac{1}{4}$ 9	150	150 00	20 00					
10	4	76	.....	24 00					
10	S. $\frac{1}{2}$ 3	100	.....	13 00					
9	W. $\frac{1}{2}$ 5	100	.....	.....	40 00				
9	N. $\frac{1}{4}$ 6	50	.....	.....	25 00				
9	N. $\frac{1}{2}$ & S.E. $\frac{1}{4}$ 7	150	.....	.....	70 00				
Total for benefit.....			410 00	108 00	135 00				
" outlet.....			108 00						
" injuring.....			135 00						
Roads (and lands) of municipality.....			100 00						
TOTAL.....			\$753 00						

4. For paying the sum of (\$100), the amount assessed against such roads and lands of the municipality, and for covering interest thereon for.....years at the rate of.....per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the.....of .....in each year for.....years, after the passing of this by-law, during which the debentures have to run.



5. This by-law comes into force on the passing thereof, and may be cited as the ".....By-law".

FIRST READING.....

SECOND READING.....

THIRD READING.....

ENACTED this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

R.S.O. 1960, c. 252, Form 2.

## FORM 5

(Section 63)

### PETITION FOR GRANT

TO THE HONOURABLE, THE MINISTER OF.....

THE PETITION of The Corporation of the.....  
of.....

Sheweth:

1. On the.....day of....., 19....., the council of The Corporation of the.....of....., under By-law No....., adopted a report prepared by....., dated the.....day of....., 19....., for a drainage works to be known as The.....

2. The total estimated cost of the drainage works to be undertaken is \$.....

3. The approximate area of the lands affected by the drainage works is.....acres.

4. The report of the engineer, dated the.....day of....., 19....., is attached hereto.

5. Your petitioner therefore requests payment to it of the grant provided for in *The Drainage Act, 1962-63*.

Dated at the.....of....., this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

New

The Drainage Act, 1962-63

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*1st Reading*

December 18th, 1962

*2nd Reading*

February 14th, 1963

*3rd Reading*

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MR. SPOONER

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(Reprinted as amended by the Committees on  
*Agriculture and Municipal Law*)

# **BILL 35**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **The Drainage Act, 1962-63**

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**MR. SPOONER**

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## BILL 35

1962-63

## The Drainage Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "benefit" means the benefit to any land from the construction, improvement or maintenance of a drainage works;
- (b) "construction" means the original opening, making, excavating, building or completing of a drainage works;
- (c) "county" includes a provisional judicial district;
- (d) "county court" includes a district court;
- (e) "court of revision" means a court of revision constituted under *The Assessment Act*;
- (f) "drainage works" includes a drain constructed by any means, including the improving of a stream, creek or watercourse, and includes works necessary to control the water table or level within or on agricultural lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
- (g) "engineer" means an engineer registered as a professional engineer under *The Professional Engineers Act*, or a surveyor registered under *The Surveyors Act*;
- (h) "initiating municipality" means the local municipality undertaking the construction, improvement or maintenance of a drainage works to which this Act applies;

R.S.O. 1960,  
c. 23R.S.O. 1960,  
cc. 309, 389



- (i) "injuring liability" means the part of the cost of the construction, improvement or maintenance of a drainage works required to relieve the owner of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;
- (j) "judge" means a judge of the county or district court of the county or district in which the municipality assessing lands or roads for a drainage works is situate;
- (k) "maintenance" means the preservation and keeping in repair of a drainage works;
- (l) "Minister" means the Minister of Municipal Affairs;
- (m) "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
- (n) "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;
- (o) "public utility" means a person having jurisdiction over any waterworks, sewage works, electric heat, light and power works, telegraph and telephone lines, or gasworks, including works for the production, transmission, distribution and supply of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing;
- (p) "referee" means the referee appointed under this Act;
- (q) "sufficient outlet" means a point at which water can be discharged safely so that it will do no injury to lands or roads. R.S.O. 1960, c. 252, s. 1, *amended*.

**2.—(1)** When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works, which shall include the following:

1. A reference to *The Drainage Act, 1962-63*.

2. Descriptions of the lands of the parties to the agreement sufficient for the purposes of registration in the proper registry or land titles office.
3. The estimated cost of the drainage works.
4. A description of the drainage works, including its location and nature.
5. The proportion of the cost of the construction, improvement and maintenance of the drainage works that is to be borne by each of the owners of the lands.
6. The date the agreement was entered into.
7. An affidavit of a subscribing witness to the execution of the agreement by the parties as required by section 34 of *The Registry Act*.

R.S.O. 1960,  
c. 348

(2) A copy of the agreement and the plans and schedules, if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and the agreement or an executed copy thereof may be registered in the proper registry or land titles office.

Filing of  
agreement

(3) An agreement made under this section shall, upon registration in the proper registry or land titles office of the agreement or an executed copy thereof, be binding upon the heirs, executors, administrators, successors and assigns of each of the parties to the agreement.

Registered  
agreement  
binding on  
successors

(4) The subsequent provisions of this Act do not apply to any drainage works constructed under this section. *New.*

Exception

**3.—(1)** Subject to subsection 4, upon the petition (Form 1) of the majority in number of the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in the area requiring drainage as described in the petition within any local municipality, to the council thereof, for the drainage of the area by means of a drainage works, the council, upon notifying by prepaid mail the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, may by by-law or resolution appoint an engineer to make an examination of the area, to prepare a report, including plans, specifications, estimates of the drainage works, and an assessment against the lands and roads within the area requiring drainage and of any other lands and roads liable to be assessed for the drainage works, stating as nearly as may be, in his

Drainage  
works  
constructed  
on petition

R.S.O. 1960,  
c. 62

opinion, the proportion of the cost of the drainage works, including fees of the engineer and of the clerk, to be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. R.S.O. 1960, c. 252, s. 2 (1), *amended*.

Initiating  
proceedings  
for the  
drainage of  
a road

(2) Where a drainage works is required for the drainage of a road or a part thereof, the council of the local municipality in which the road or part thereof is situate may proceed under subsection 1 upon a petition,

(a) where the road or part thereof is under the jurisdiction of the Province of Ontario or of a township or county, signed by the engineer or road superintendent appointed under *The Highway Improvement Act* by the Department of Highways, county, township or commission having control over the road or part thereof; and

(b) where the road or part thereof is under the jurisdiction of a city, town or village, signed by the engineer or road superintendent of the municipality. R.S.O. 1960, c. 252, s. 2 (2), *amended*.

R.S.O. 1960,  
c. 171

Providing  
capacity for  
covered  
drainage  
works

(3) In no case shall the construction of a drainage works by means of the improvement of a creek, stream or natural watercourse include a covered drainage works, unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1960, c. 252, s. 11, *amended*.

Petition  
when  
pumping,  
embanking  
required

(4) Where a drainage works can only be effectually constructed by embanking, pumping or other mechanical operation, the council of the initiating municipality may proceed with the construction thereof or assume such a drainage works only upon the petition of at least two-thirds of the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in the area requiring drainage as described in the petition. R.S.O. 1960, c. 252, s. 2 (3), *amended*.

Petition  
where area  
lies on  
each side of  
boundary  
road

(5) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two local municipalities, the council of either local municipality may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality. R.S.O. 1960, c. 252, s. 61, *amended*.



4.—(1) Where it is necessary, for the proper drainage of any agricultural land, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefited by such drainage may file with the clerk of the local municipality in which his land is situate a requisition (Form 2) requesting that an engineer be appointed. Drainage works constructed on requisition

(2) Upon filing the requisition, the owner shall deposit with the clerk of the local municipality the sum of \$100 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs. *New.* Deposit for expenses

(3) No drainage works, the whole cost of which will exceed \$2,500, shall be constructed under this section. R.S.O. 1960, c. 109, s. 5 (2), *amended.* Limit of cost

(4) Only land lying within 150 rods from the sides of the drainage works and land lying within 150 rods from the point of commencement of the drainage works may be assessed under this section. R.S.O. 1960, c. 252, s. 6, *amended.* Limit of area to be assessed

(5) Every drainage works constructed under this section shall be continued to a sufficient outlet. R.S.O. 1960, c. 109, s. 5 (1), *part, amended.* Sufficient outlet

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage and to report as to the need for such drainage, the value of such drainage to the land to be served by the drainage works, the damage that will be done to the lands through which the drainage works may be constructed, the amount that should be paid to each owner of land that would be damaged by the drainage works, the estimated cost, and the amount that, in his opinion, should be assessed against every parcel of land and road for benefit, outlet liability and injuring liability. *New.* Duty of council

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land that will be affected by such drainage works seven days written notice (Form 3), by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of his examination. *New.* Notice of examination of area

(8) Notwithstanding sections 27, 39 and 41, unless the requisition for a drainage works under this section is with- Adoption of report

drawn, the council of the municipality shall, subject to any appeals, adopt the report and proceed to implement it in accordance with this Act.

Present  
award  
ditches  
R.S.O. 1960,  
c. 109

(9) Every ditch constructed under *The Ditches and Water-courses Act* shall be maintained in accordance with the award of an engineer providing for such maintenance until such ditch is brought under the provisions of this Act.

Duties of  
engineer

5. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1960, c. 252, s. 4 (1), *amended*.

Power to  
enter lands

6.—(1) The engineer and his assistant when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they deem necessary for the performance of the work and take levels on the land of any person. R.S.O. 1960, c. 252, s. 9 (1), *amended*.

Offence for  
interference  
with  
engineer

(2) Every person who wilfully interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*.

One report  
on two  
or more  
petitions

7.—(1) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. *New*.

Duty to  
make plans,  
specifica-  
tions and  
estimates

(2) The engineer appointed shall make a report, including such plans, profiles, specifications, estimates of the drainage works to be constructed and assessments as may be deemed necessary. R.S.O. 1960, c. 252, s. 7, *part, amended*.

Duties  
re survey

(3) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1960, c. 252, ss. 8 (16), 9 (2), *amended*.

Offence for  
interference  
with bench  
marks, etc.

(4) Every person who interferes with, removes or destroys any bench mark or permanent level established under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 252, s. 9 (3), *part, amended*.



8.—(1) The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement or maintenance thereof shall be disposed of, and the amount to be paid to the respective persons entitled to damages, if any, to lands and crops occasioned thereby, and shall include such sums in his estimates of the cost of the construction, improvement or maintenance of the drainage works. R.S.O. 1960, c. 252, s. 8 (7), *amended*.

Report re disposal of material taken from drainage works

(2) The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof, and he shall in his assessment apportion, as appears just, the cost of bridges and culverts between the drainage works and the municipality or municipalities having jurisdiction over such public road.

Bridges and culverts on roads

(3) A local municipality may by by-law assume, as a charge upon the general funds of the municipality, the whole or such part, as the by-law may determine, of the cost of construction, improvement and maintenance of all bridges and culverts rendered necessary by a drainage works crossing any public road or part thereof within the municipality, and, when such a by-law has been passed, it shall not be repealed except with the permission of the referee, and, so long as the by-law remains unrepealed, the engineer shall, in his assessment, apportion the cost of such bridges and culverts in accordance with the by-law or direct that such drainage works be done by and at the expense of the municipality.

By-law as to assessments for bridges, culverts on roads

(4) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and culverts required to afford access from any land to the travelled portion of a public road, and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges and culverts in his assessment for the construction, improvement or maintenance of the drainage works, and they shall, for the purposes of maintenance, be deemed part of the drainage works.

Construction of access bridges

(5) The engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges and water gates rendered necessary by the drainage works upon any land, and the land assessed for the drainage works shall not be nor shall any municipal corporation be liable for keeping such bridges and water gates in repair, but, if the engineer deems it just that any of such bridges or water gates be maintained as part of the drainage works, he may so provide.

Construction of farm bridges

Allowance  
for  
severance

(6) If the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge as provided by subsection 4 or 5, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance.

Allowance  
for private  
drains

(7) Where an existing drain that was not constructed on petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works or is used in connection therewith, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1960, c. 252, s. 8 (1-6), *amended*.

Allowance  
for right  
of way, etc.

(8) The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,

- (a) for the construction or improvement of a drainage works;
- (b) for the disposal of material removed from a drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right-of-way is sufficient for the purposes of the drainage works,

the value of any of such land or the damages, if any, thereto.

Allowance  
for damage  
due to in-  
sufficient  
outlet

(9) Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1960, c. 252, s. 8 (8, 9), *amended*.

Engineer's  
finding,  
drainage  
works not  
required,  
etc.

(10) If the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor,



the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1960, c. 109, s. 15 (4, 5), *amended*.

9. Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefited by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement or maintenance of the drainage works in the same manner as is provided in section 11. R.S.O. 1960, c. 252, s. 64, *amended*. Assessing land in neighbouring municipality

10.—(1) Where it is deemed necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance or other boundary into or through any municipality until he reaches a sufficient outlet, and in every such case he may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1960, c. 252, s. 63, *amended*. Continuing drainage works beyond the limits of municipality

(2) A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1960, c. 252, s. 60 (2). When drainage works not deemed out of initiating municipality

11.—(1) Where it is deemed necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of the drainage works in the adjoining Interprovincial drainage works, from Ontario into adjoining province

province to be borne and paid by Ontario and as to the proportion of the cost of the drainage works in Ontario to be borne and paid by the adjoining province. R.S.O. 1960, c. 192, s. 1, *amended*.

Apportionment of cost

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works. R.S.O. 1960, c. 192, s. 3, *amended*.

Extension of drainage works from adjoining province

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. R.S.O. 1960, c. 192, s. 2, *amended*.

Commissioner, appointment and duties

**12.**—(1) The council of a local municipality by by-law may appoint one or more commissioners,

(a) to assist the engineer in the construction or improvement of a drainage works; and

(b) to supervise the maintenance of any drainage works,

and require him or them to report annually on the state of repair of all drainage works under his supervision. R.S.O. 1960, c. 252, s. 82 (2), *amended*.

Powers of commissioner

(2) The commissioner has the same powers as to entry on land as are given to an engineer under section 6. *New*.

Assessment of affected land

**13.** The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1960, c. 252, s. 5 (1), *amended*.

Assessment may be shown in money

**14.** The assessment upon any land or road for a drainage works may be shown by the engineer placing sums of money opposite the land or road, and it is not necessary to insert the fractional part of the whole cost to be borne by the land or road. R.S.O. 1960, c. 252, s. 6, *amended*.

**15.—**(1) The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor. Engineer to distinguish assessments

(2) In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment on the same land or road for the construction, improvement or maintenance of a drainage works and make such allowance therefor as appears just, and in his report he shall state the allowance so made. R.S.O. 1960, c. 252, s. 12, *amended*. Prior assessments to be taken into consideration

**16.—**(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. R.S.O. 1960, c. 252, s. 2 (4, 5), *amended*. Outlet liability, lands assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road. Injuring liability, lands assessed for

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. R.S.O. 1960, c. 252, s. 2 (7), *amended*. Basis of assessment

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by subsection 1 of section 3 unless within the area therein described. R.S.O. 1960, c. 252, s. 2 (6). Certain owners not to count for or against petition

**17.** The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works and shall indicate the assessment of the cost of lateral drains and the assessments of lands that are not agricultural lands. R.S.O. 1960, c. 252, s. 13, *amended*. Engineer to list separately excepted lands in different municipalities

**18.** Where the engineer deems it equitable that the cost of the maintenance of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and report the basis upon which the cost of maintenance of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1960, c. 252, s. 14, *amended*. Variations in assessments for maintenance



Subsequent  
subdivision  
of land

**19.—**(1) Where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall direct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided.

Notice to  
affected  
owners

(2) The clerk of the local municipality shall forthwith send a copy of the direction by prepaid mail to the owners of the parts into which the parcel is divided.

Apportion-  
ment of  
assessment

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed.

Costs of  
engineer  
and clerk

(4) The costs, including the fees of the engineer and of the clerk of the local municipality, shall be borne and paid by the parties in the manner fixed or apportioned by the engineer or, on appeal, by the judge. R.S.O. 1960, c. 252, s. 5 (2-5), *amended*.

Appeal of  
apportion-  
ment

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the judge within thirty days after the date a copy of the apportionment is sent to him by the clerk. *New*.

Subsequent  
connections  
with  
drainage  
works

**20.—**(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is substantially altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1960, c. 252, s. 5 (6), *amended*.

Use of  
amount  
collected

(2) The amount collected under subsection 1 shall be paid into a special bank account and used only for the future improvement or maintenance of the whole or any part of the drainage works. *New*.

**21.—**(1) Where a drainage works or a part thereof is to be constructed, improved or maintained upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the public utility may construct, improve or maintain such drainage works or part. R.S.O. 1960, c. 252, s. 8 (20), *amended*. Public utility, option to construct drainage works

(2) Where the public utility does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1960, c. 252, s. 8 (21), *amended*. Non-exercise by public utility

(3) In addition to all other sums lawfully assessed against the property of the public utility under this Act, and even if the public utility is not otherwise assessable under this Act, the public utility shall be assessed for and shall pay all the increase of cost of such drainage works or part caused by the existence of the works of the public utility. R.S.O. 1960, c. 252, s. 8 (22). Increased cost, how borne

**22.—**(1) The report of the engineer shall be filed with the clerk of the initiating municipality as soon as completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality. R.S.O. 1960, c. 252, s. 8 (17), *amended*. Time for filing report

(2) If the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claim for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint some other engineer. Engineer may forfeit compensation and council appoint another

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1960, c. 252, s. 8 (18, 19), *amended*. By-law not invalid by reason report not filed in six months

**23.—**(1) The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 7, *part, amended*. Fees of engineer part of drainage works

(2) The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. Account of engineer

Review by  
judge

(3) The council of the local municipality may apply, within sixty days after the engineer's account is presented to the clerk of the municipality, to the judge, who shall review the account and make any alteration he deems just, and the clerk shall give at least thirty days notice by prepaid mail to the engineer and to the head of the municipality of the appointment for such review. R.S.O. 1960, c. 252, s. 16, *amended*.

Appeal to  
referee

(4) Where the account of the engineer exceeds \$500, the decision of the judge may be appealed to the referee within thirty days after the date of the decision of the judge. *New*.

Copy of  
report  
to other  
municipalities  
affected,  
etc.

**24.**—(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall send a copy of the report,

(a) to the clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate;

R.S.O. 1960.  
c. 62

(b) to the secretary-treasurer of each authority established under *The Conservation Authorities Act* that has jurisdiction over any land affected by the report;

(c) to any railway company or public utility affected by the report, other than by way of assessment; and

(d) to the Minister of Lands and Forests where land under his jurisdiction may be affected by the report. R.S.O. 1960, c. 252, ss. 8 (23), 65, 103 (1), *amended*.

Clerk of  
initiating  
municipality  
to notify  
parties  
assessed

(2) The clerk of the initiating municipality shall send a notice by prepaid mail to the owners, as shown by the last revised assessment rolls to be the owners of lands and roads assessed for the drainage works in the area found by the engineer to require drainage, and to all other owners of lands and roads in the initiating municipality assessed for the drainage works and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered.

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Clerk to  
notify  
parties  
assessed

(3) The clerk of every other local municipality in which any land or road that is assessed for the drainage works is situate shall send a notice by prepaid mail to the owners, as



shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, and to each authority established under *The Conservation Authorities Act* that has jurisdiction over any of such lands, stating the date of the filing of the report, the name or other designation of the drainage works and its estimated cost, the amount that is assessed against the owner's land, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 17, *amended*.

(4) The clerk of each local municipality in which any land or road that is assessed for the drainage works is situated shall send a notice by prepaid mail to each owner of land in the municipality in respect of which the report provides for compensation and other allowances, if any, stating the date of the filing of the report, the amount of compensation and allowances awarded to the owner, and the date of the council meeting at which the report will be considered. R.S.O. 1960, c. 252, s. 8 (14), *amended*. Clerk to notify owners to be compensated

(5) The date of the council meeting at which the report will be considered shall not be less than ten days after the last notice has been mailed under subsections 2, 3 and 4. *New*. Council meeting for consideration of report

**25.** The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, cause the report to be read aloud by the clerk, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1960, c. 252, s. 18, *amended*. Consideration of report

**26.—(1)** If the petition at the close of such council meeting contains a sufficient number of names to comply with subsection 1 or 4 of section 3, as the case may be, the council may proceed to adopt the report, and no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. Sufficiency of petition

(2) If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 25, do not comply Liability of persons who have withdrawn where petition insufficient

with the requirements of subsection 1 or 4 of section 3, as the case may be, the persons who have withdrawn from the petition are on their respective assessments in the report, with 100 per cent added thereto, together with the other original petitioners on their respective assessments in the report, *pro rata*, chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the persons liable, and shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 20, *part, amended*.

Adoption  
of report

**27.** A report may be adopted by by-law (Form 4) and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. *New*.

Referring  
report back  
to engineer

**28.** The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1960, c. 252, s. 19, *amended*.

Copy of  
by-law to  
be sent to  
owners

**29.** The council of the initiating municipality, within twenty days after the adoption of the report, and every other local municipality in which any land or road is assessed for the drainage works, within twenty days of the receipt of a copy of the provisional by-law from the initiating municipality, shall cause a copy of the provisional by-law of the initiating municipality and a notice of the sitting of the court of revision to be sent by prepaid mail to each owner, as shown by the last revised assessment roll to be the owner of land assessed for the drainage works, and to each person entitled to notice under subsection 4 of section 24. R.S.O. 1960, c. 252, s. 25, *amended*.

Appeal to  
court of  
revision

**30.—(1)** Any owner of land, or, where roads in the local municipality are assessed, any ratepayer, who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given or allowance made as to type of use of land, may personally, or by his agent, give notice in writing to the clerk of the municipality that he considers himself aggrieved for any or all such causes. R.S.O. 1960, c. 252, s. 35, *amended*.



(2) The trial of complaints shall be had in the first instance by and before the court of revision of the local municipality in which the lands and roads assessed are situate, and the first sitting of the court shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law. Time for holding court

(3) Every notice of appeal to the court of revision shall be given to the clerk of the local municipality at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1960, c. 252, s. 36, *amended*. Notices of appeal

(4) Except as otherwise provided in this Act, the provisions of *The Assessment Act* as to the constitution and powers of and trial of complaints by the court of revision and as to appeals therefrom to the judge apply *mutatis mutandis* to such trials and appeals under this Act. R.S.O. 1960, c. 252, s. 28 (1), *amended*. Constitution of court of revision R.S.O. 1960, c. 23

**31.** When the ground of complaint is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or judge that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or judge, the court or judge shall adjourn the hearing of the appeal for a time sufficient to enable the clerk to notify by prepaid mail such persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or judge shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1960, c. 252, s. 42, *amended*. Adjournment of court to notify persons affected by alterations

**32.—**(1) An appeal from the court of revision lies to the judge, not only against a decision of the court of revision, but also against the omission, neglect or refusal of the court of revision to hear or decide an appeal. R.S.O. 1960, c. 252, s. 44, *amended*. Appeal to county judge

(2) At the court so held, the judge shall hear the appeal and may adjourn the hearing from time to time, but shall give his decision not later than thirty days after the hearing. R.S.O. 1960, c. 252, s. 48. Time for giving judgment

Decision to  
be final

(3) The decision of the judge is final. R.S.O. 1960, c. 252, s. 54.

Clerk to  
alter  
assessments

**33.** Any change in an assessment made by the court of revision or by the judge shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or by the judge. R.S.O. 1960, c. 252, s. 55, *amended*.

Appeal by  
conservation  
authority  
having  
jurisdiction  
R.S.O. 1960,  
c. 62

**34.** Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority established under *The Conservation Authorities Act* has jurisdiction, the conservation authority may appeal from the report of the engineer to the referee on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under such Act, and the provisions of section 35 respecting the notice of appeal, the powers of the referee and the decision of the referee apply to any such appeal. R.S.O. 1960, c. 252, s. 8 (13), *amended*.

Appeal  
from report  
to referee

**35.** Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the ground that it does not comply with the requirements of this Act, or that the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof, or that the drainage works should be modified, on grounds to be stated, may appeal therefrom to the referee, and in every such case a written notice of appeal shall be served upon the head of the council of the initiating municipality or the clerk thereof within thirty days after the date of mailing of the copy of the provisional by-law under section 29, and the referee may hear and determine the appeal in a summary manner on his own view of the premises and after hearing the parties and, if he sees fit, their witnesses, or he may direct that the further proceedings on such appeal shall be as hereinafter provided in other cases of appeals to the referee, and the referee on an appeal under this section may make such order as appears just. R.S.O. 1960, c. 252, s. 8 (10, 11), *amended*.

Appeal  
where  
report  
indicates  
drainage  
works not  
required

**36.** Where the engineer reports that the drainage works is not required or is impractical or cannot be constructed under section 3 or 4, as the case may be, any owner affected by the report, within twenty-one days from the date of the mailing of the notice under subsection 10 of section 8, may appeal therefrom to the referee whose decision is final. R.S.O. 1960, c. 109, s. 21 (1), *amended*.

**37.**—(1) The council of any local municipality to which <sup>Appeal by municipality</sup> a copy of the report was sent under subsection 1 of section 24 may, within six weeks after the report is sent to the clerk, appeal to the referee from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

(2) The reasons for appeal may be the following, or any <sup>Grounds for appeal</sup> of them,

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) that the course of the drainage works or any part thereof should be altered;
- (c) that the drainage works does not provide a sufficient outlet;
- (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
- (e) that a petition has been received by the council of the appealing municipality, as provided by subsection 1 of section 3, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;
- (f) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive.

R.S.O. 1960, c. 252, s. 67, *amended*.

**38.** Upon an appeal under section 37, the referee shall hear <sup>Powers of referee on appeal</sup> and adjudicate upon all questions raised by the notice of appeal, as they may affect any municipality in which any land or road is assessed for the drainage works, and he may give to any municipality, through or into which the proposed drainage works will be continued, leave to enlarge the drainage works, pursuant to petition in that behalf and according to the report of an engineer appointed by the referee for that purpose, and may make such order as appears just. R.S.O. 1960, c. 252, s. 68 (1), *amended*.



Construction  
or im-  
provement  
by-law

**39.** Where an initiating municipality has adopted a report for the construction or improvement of a drainage works, after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council of the municipality may pass the provisional by-law, thereby authorizing the construction or improvement of the drainage works. R.S.O. 1960, c. 252, s. 20, *part, amended*.

Municipalities  
required  
to raise  
cost

**40.**—(1) The council of each local municipality to which a copy of a report is required to be sent under subsection 1 of section 24 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction and improvement of the drainage works within a reasonable time after the time fixed by subsection 2 for the passing of the by-law. R.S.O. 1960, c. 252, s. 66, *amended*.

Imposition  
of special  
assessment

(2) The council of each local municipality that is required to raise the whole or any part of the cost of the construction or improvement of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction or improvement of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council prescribes.

Commuta-  
tion of  
special  
assessment

(3) The council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1960, c. 252, s. 22, *part, amended*.

Assessments  
of \$25  
or less

(4) Where the assessment against any parcel of land is \$25 or less, the council of any local municipality may provide that the assessment shall be paid out of the general funds of the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. *New*.

Application  
of R.S.O.  
1960, c. 23

(5) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1960, c. 252, s. 22, *part, amended*.

Abandon-  
ment of  
work by  
initiating  
municipality

**41.** A by-law authorizing the construction, improvement or maintenance of a drainage works may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1960, c. 252, s. 68 (3), *amended*.

**42.** The council of a local municipality may by by-law provide for the payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act. R.S.O. 1960, c. 109, s. 4 (2), *amended*. Fees of clerk

**43.** If no notice of intention to make application to quash a by-law is served upon the clerk of the municipality within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1960, c. 252, s. 26, *amended*. Quashing of by-law

**44.** A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level established under subsection 3 of section 7, and any damages ordered by the court to be paid shall be paid to the municipality and used for the construction, improvement or maintenance of the drainage works. *New*. Municipality may sue for damages to drainage works

**45.** Except where otherwise provided by this Act or by a decision on an appeal, the cost of and incidental to the passing and serving of by-laws or to any reference or appeal or the construction, improvement and maintenance of a drainage works shall form part of the cost of the drainage works. R.S.O. 1960, c. 252, s. 91, *amended*. Expenses to be deemed part of the cost of drainage works

**46.** Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1960, c. 252, s. 92. Tenant's covenant to pay taxes, when to include drainage assessments

**47.—(1)** Any by-law heretofore or hereafter passed by the council of a local municipality for the assessment upon the lands and roads liable to contribute for a drainage works and Amendment of by-law when insufficient funds provided



that has been acted upon by the doing of the work in whole or in part, but does not provide sufficient funds to complete the drainage works or the municipality's share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council, and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law. R.S.O. 1960, c. 252, s. 69 (1).

When lands  
and roads  
in another  
municipality  
assessable

(2) Where in any such case lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has the same right of appeal to the referee as to the improper expenditure or illegal or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1960, c. 252, s. 69 (2), *amended*.

Amendment  
of by-law  
when  
excessive  
funds  
provided

(3) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works acted upon by the completion of the drainage works that provides more than sufficient funds for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable shall be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus money shall be divided *pro rata* among the contributing municipalities, and every such surplus until wholly paid out shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works in each and every year after the completion of the drainage works, and, in case such assessment upon any land has been commuted or anticipated by payment in full, payment shall be made to the owner of such lands as shown by the last revised assessment roll of the municipality in all respects as if such assessment had not been so commuted or anticipated. R.S.O. 1960, c. 252, s. 69 (3).

Maintenance  
of drainage  
works  
and cost

48. Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained by each local municipality

through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of the lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer in a report for the maintenance of the drainage works or on appeal therefrom. R.S.O. 1960, c. 252, s. 71, *amended*.

**49.**—(1) The council of any local municipality undertaking the repair of a drainage works shall, before commencing the repairs,

Service of by-law on municipality liable for contribution, and appeal

(a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and

(b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the referee on the ground that the amount assessed against the lands and roads in such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such drainage works has never been completed through the default or neglect of the municipality whose duty it was to do the work, and the referee on such appeal may confirm such provisional by-law, or may direct that it be amended or that it not be passed, as appears just. R.S.O. 1960, c. 252, s. 74 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the treasurer of the initiating municipality. R.S.O. 1960, c. 252, s. 74 (2), *amended*.

Council served to furnish amount required

**50.**—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance

Varying original assessments for maintenance



of the drainage works may make an application to the referee, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report, but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1960, c. 252, s. 75 (1), *amended*.

Proceedings  
on report of  
engineer

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.

Appeal from  
report of  
engineer

(3) Any council served with a copy of such report may appeal to the referee from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable, and the proceedings on such appeal shall be the same as in other cases of appeal to the referee.

Appeal to  
court of  
revision

(4) Any owner of land, and any ratepayer in a municipality in which roads are assessed for such maintenance, may appeal from the assessment in the report in the manner provided in the case of the construction of the drainage works. R.S.O. 1960, c. 252, s. 75 (2-4), *amended*.

Basis of  
future  
assessments

(5) Such assessment as so varied shall thereafter, until it is further varied, form the basis of any assessment for maintenance of the drainage works affected thereby. R.S.O. 1960, c. 252, s. 75 (5).

Deepening,  
widening or  
extending  
without  
report of  
engineer

**51.—**(1) The council of any local municipality, whose duty it is to maintain a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed, may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction or maintenance of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening and extending is not more than one-fifth of the cost of the construction, and does not in any case exceed \$1,500. R.S.O. 1960, c. 252, s. 76, *amended*.

Moving  
drainage  
works  
off road

(2) Where the Province of Ontario or any municipality or suburban road commission desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by

the municipality whose duty it is to maintain the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the Province, municipality or commission, as the case may be. *New.*

**52.**—(1) Where, for the better use or maintenance of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is deemed expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs and other protective works as ancillary to the drainage works, or to otherwise improve, extend or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain the drainage works or any part thereof may, without the petition required by subsection 1 of section 3 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. Improving, upon examination and report by engineer

(2) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Powers and duties of engineer

(3) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1960, c. 252, s. 77 (1, 2), *amended*. Proceedings on report and appeals

**53.**—(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and keep in repair the drainage works, the municipality is compellable by mandamus issued by the referee or a court of competent jurisdiction to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance, or such of the powers as to the referee or court appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1960, c. 252, s. 80 (1), *amended*. Power to compel repairs

Municipality  
liable for  
damages  
caused by  
non-repair

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain a drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of repair of the drainage works.

No liability  
where  
drainage  
works  
blocked by  
ice or snow

(3) The local municipality whose duty it is to maintain a drainage works is not liable in damages for any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1960, c. 252, s. 80 (4, 5), *amended*.

Persons  
responsible  
for  
obstruction  
to remove  
it on notice

**54.**—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the land adjoining the drainage works or the owner or occupant thereof is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain the drainage works or by a commissioner appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the commissioner shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1960, c. 252, s. 82 (1), *amended*.

Collection  
of cost of  
removal by  
municipality

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1960, c. 252, s. 82 (3), *amended*.

Removal of  
minor  
obstructions

**55.** The council of a local municipality may by by-law direct that the commissioner appointed by it shall from time to time remove from any drainage works all weeds and brushwood, fallen timber or other minor obstruction for which the owner of the lands adjacent to the drainage works or the owner or occupant thereof may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1960, c. 252, s. 83, *part, amended*.



**56.** It is not necessary to assess and levy the amount charged for maintenance more than once in every five years unless in the meantime the total expense incurred exceeds the sum of \$1,000. R.S.O. 1960, c. 252, s. 83, *part, amended*. When levy for maintenance necessary

**57.** Every person who obstructs, fills up or injures or destroys by any means any drainage works is guilty of an offence and on summary conviction, in addition to his liability in civil damages, is liable to a fine of not less than \$10 and not more than \$100 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1960, c. 252, s. 84, *amended*. Penalty for injury to drainage works

**58.** For the better maintenance of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may pass by-laws for appointing a commissioner or commissioners with power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair, as may be set forth in the by-law appointing them, and for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1960, c. 252, s. 86 (1), *amended*. Appointment of commissioner for pumping drainage works

**59.—**(1) Except as authorized by a by-law of the initiating municipality approved by the Ontario Water Resources Commission, no person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water. Pollution of drains prohibited

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. *New*. Fine

**60.—**(1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of the receipt of such request and of its intention to act thereon unless any owner, within ten days of the Abandonment on petition

mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment.

Engineer's  
report  
may be  
required

(2) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just.

Procedures  
on report

(3) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* as on a report for the construction of a drainage works.

Abandon-  
ment by  
council

(4) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

Disburse-  
ment of  
remaining  
funds

(5) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor. *New.*

Provincial  
grants,  
drainage  
works  
eligible  
for

**61.**—(1) Grants may be made under this Act only in respect of the cost of a drainage works that drains agricultural lands, and, in computing the cost thereof for the purpose of grants, the cost of all embanking and pumping machinery installed shall be included.

Exceptions

(2) Grants shall not be made in respect of the cost of lateral drains or of drainage works constructed under section 2 or 4 or of costs assessed against lands other than agricultural lands. R.S.O. 1960, c. 311, s. 2 (1, 2), *amended.*

Cash con-  
tributions  
to be  
deducted  
from cost  
1960-61,  
c. 30 (Can.)

(3) For the purpose of computing grants under this Act, any contribution, except a contribution by the Government of Canada under the *Agricultural Rehabilitation and Development Act* (Canada), received or receivable by the initiating municipality with respect to a drainage works shall be deducted from the cost thereof. R.S.O. 1960, c. 311, s. 2 (3), *amended.*

Where  
another  
provincial  
grant  
payable

**62.** Where a grant is paid under this Act in respect of the cost of a drainage works that includes the cost of a drainage works upon which a grant is payable under another Act of

the Legislature, the grant payable under such other Act shall be reduced by an amount equal to that portion of the grant that was paid under this Act in respect of the cost of the part of the drainage works upon which the grant is payable under the other Act. R.S.O. 1960, c. 311, s. 3.

**63.**—(1) Where the council of a local municipality initiates <sup>Application for grant</sup> a drainage works, it shall forward to the Minister an application (Form 5) accompanied by a copy of the engineer's report as it may have been amended on appeal.

(2) A grant may be refused by the Minister if the application <sup>Time for making application</sup> is not submitted by the council of the local municipality within three months after the passing of the by-law and before the commencement of the work.

(3) Notwithstanding subsection 1, where the council of a <sup>Emergency work</sup> local municipality must perform emergency work under this Act before it is possible to obtain and adopt an engineer's report, it may submit an application for a grant in accordance with subsection 1 after the commencement of the work if it has notified the Minister within ten days after the commencement of the work. R.S.O. 1960, c. 311, s. 4, *amended*.

**64.**—(1) Upon receipt of an application forwarded in the <sup>Examination of drainage works</sup> manner specified in section 63, the Minister, if it appears to him that the drainage works is or includes a drainage works that may be eligible for a grant, may cause an examination thereof to be made by an officer or employee of the Department, who shall report fully thereon and upon all the matters alleged in the application.

(2) Upon receipt by the Minister of a report mentioned in <sup>Payments</sup> subsection 1 and upon the practical completion of the drainage works, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of,

- (a) where the drainage works is in a county,  $33\frac{1}{3}$  per cent of the cost of the drainage works as described and limited in section 61; or
- (b) where the drainage works is in a municipality in a territorial district or a provisional county,  $66\frac{2}{3}$  per cent of the cost of the drainage works as described and limited in section 61.



Distribu-  
tion and  
application  
of grant

(3) The grant shall be distributed by the initiating municipality among all interested municipalities according to the engineer's assessment on agricultural land, or as altered on appeal, and in each municipality the amount of the grant shall be applied to reduce the assessment on each parcel of agricultural land affected. R.S.O. 1960, c. 311, s. 5, *amended*.

Initiation of  
drainage  
works in  
unorganized  
territory

**65.**—(1) The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which grants may be given under subsection 2.

Grants in  
unorganized  
territory

(2) Where a drainage works is in territory without municipal organization, the Minister, where the amount of the grant does not exceed \$5,000, and the Lieutenant Governor in Council, in other cases, may pay out of such moneys as are appropriated therefor by the Legislature an amount not exceeding 80 per cent of the cost of the drainage works as described and limited in section 61. R.S.O. 1960, c. 311, s. 6 (1, 2).

Referee,  
appoint-  
ment

**66.**—(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. R.S.O. 1960, c. 252, s. 93 (1), *amended*.

Appoint-  
ment of  
acting  
referee

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee. *New*.

Qualifica-  
tion

(3) The referee or an acting referee shall be a justice of the Supreme Court, a judge of a county court or a barrister of at least ten years standing at the Bar of Ontario. R.S.O. 1960, c. 252, s. 93 (3), *amended*.

Referee  
not to  
practise  
under Act

(4) No referee or acting referee shall practise as a solicitor or barrister in any matter arising under this Act or act as legal agent or adviser in any such matter. R.S.O. 1960, c. 252, s. 93 (5), *amended*.

Salary

(5) The referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council determines, together with his reasonable travelling expenses. R.S.O. 1960, c. 252, s. 93 (6), *amended*.

Powers of  
referee

**67.**—(1) In respect of all applications and proceedings before him, the referee has the powers of a judge of the Supreme Court, including the production of books and papers, the amendment of notices of appeal and of notices of claims for compensation or damages, and of all other notices and

proceedings, and he may correct errors or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do justice between the parties, and he may also grant an injunction or a mandamus in any matter before him under this Act.

(2) The referee has power to determine the validity of all petitions, resolutions, reports and provisional or other by-laws, whether or not objections thereto have been stated as grounds of appeal to him, and to amend and correct any provisional by-law in question, and, with the engineer's consent and upon evidence given, to amend the report in such manner as appears just, and upon such terms as to notice or otherwise as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the court of revision or a judge. R.S.O. 1960, c. 252, s. 95 (2, 3), *amended*.

Power to determine validity of proceedings and amend report

**68.**—(1) The referee at any time after an appeal or reference is made to him may give directions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise, and may give an appointment to any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, the hearing shall be in the county or one of the counties in which the drainage works or proposed drainage works is or is to be situate or in which lands are assessed therefor.

Referee to direct procedure

(2) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court. R.S.O. 1960, c. 252, s. 104 (1, 2).

Clerk of court

(3) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs. R.S.O. 1960, c. 252, s. 104 (3), *amended*.

Fees of clerk

(4) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county

Referee's clerk



court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee directs.

**Subpoenas**

(5) Subpoenas for the attendance of witnesses at the hearing, tested in the name of the referee, may be issued by the clerk of the county court of the county in which the case is to be heard.

**Steno-graphic reporters**

(6) The referee may from time to time employ stenographic reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee directs. R.S.O. 1960, c. 252, s. 104 (5-7), *amended*.

**Use of court house**

**69.** When an appointment is given by the referee for the hearing of any matter under this Act in any municipality wherein a court house is situated, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments set apart in the county for the administration of justice. R.S.O. 1960, c. 252, s. 109.

**Sheriffs, etc., to assist referee**

**70.** Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid by the county or counties interested such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1960, c. 252, s. 110, *amended*.

**Notice of appeal from assessment to be filed**

**71.** A copy of the notice of appeal by any municipality from the report of an engineer or from a provisional by-law, with an affidavit of service thereof, shall, within the time limited by this Act for the service of the notice, be filed in the office of the clerk of the county court of the county or union of counties in which the initiating municipality is situate. R.S.O. 1960, c. 252, s. 97, *amended*.

**Amendment of by-law to carry out decision of referee**

**72.—(1)** The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1960, c. 252, s. 98, *amended*.

**Jurisdiction of referee on appeal**

(2) Upon an appeal to the referee, he shall hear and adjudicate upon all questions raised in the notice of appeal and make such order as appears just, and may direct that the report appealed from be amended. R.S.O. 1960, c. 252, s. 103 (2), *amended*.

(3) The costs of such an appeal are in the discretion of the referee. R.S.O. 1960, c. 252, s. 103 (3). Costs of appeal

**73.** Subject to section 76, applications to set aside, declare void or otherwise directly or indirectly to attack the validity of any petition, report of an engineer, resolution of a council, provisional by-law or by-law relating to a drainage works, as well as all proceedings to determine claims and disputes arising in respect of anything done or required to be done under this Act or consequent thereon, or by reason of negligence, or for a mandamus or injunction, shall be made to and shall be heard and tried by the referee, who shall give his decision and his reasons therefor. R.S.O. 1960, c. 252, s. 99 (1), *amended*. Application to set aside by-law, report heard

**74.**—(1) Proceedings for the determination of claims and disputes and for the recovery of damages by reason of negligence, or by way of compensation or otherwise, or for a mandamus or an injunction, shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned. Proceedings instituted by notice

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1960, c. 252, s. 99 (3, 4), *amended*. Notice filed in county court

**75.** All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court not fewer than five days before the return day of the motion. R.S.O. 1960, c. 252, s. 99 (5). Affidavits filed before motion

**76.**—(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him. R.S.O. 1960, c. 252, s. 100 (1), *amended*. Actions may be transferred to referee

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1960, c. 252, s. 100 (2). Limitation

Assessing  
damages  
and costs  
payable  
by municipi-  
ties

**77.**—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement or maintenance, in such manner as the referee determines, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

Municipality in  
default  
ordered to  
pay costs

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers in the construction, improvement or maintenance of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof.

In cases  
of settle-  
ment

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee, and in making such direction the referee shall have regard to the provisions of subsection 2.

Where  
extension  
of drainage  
works  
necessary

(4) Where, in the opinion of the referee, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement, and in such case the engineer shall include the amount of such damages and costs in his estimate of the cost of the improvement of the drainage works. R.S.O. 1960, c. 252, s. 102, *amended*.

When  
referee  
proceeds  
on view

**78.** When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in writing a statement thereof sufficiently full to allow the Court of Appeal to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1960, c. 252, s. 105.

Clerk to  
forward  
notice of  
filing

**79.** The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing



shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1960, c. 252, s. 106, *amended*.

**80.** A copy of the decision certified by the referee or clerk of the court shall be sent or delivered, Decision to be sent to Minister and municipalities

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1960, c. 252, s. 107, *amended*.

**81.** The decision of the referee shall be delivered in the same manner as decisions by the judges of the Supreme Court. R.S.O. 1960, c. 252, s. 108, *part, amended*. Decision, manner of delivery

**82.** All interlocutory applications for any of the purposes mentioned in subsection 1 of section 67 shall be made to the referee and his order thereon is final. R.S.O. 1960, c. 252, s. 96. Interlocutory applications

**83.**—(1) Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Court of Appeal within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Court of Appeal or a judge thereof may allow. Appeal from decision of referee

(2) The decision may be appealed against to the Court of Appeal in the same manner as from a decision of a judge of the Supreme Court sitting in court. R.S.O. 1960, c. 252, s. 117, *amended*. Procedure in Court of Appeal

**84.** In cases brought before the referee, the evidence taken need not be filed, and shall be written out at length by the stenographic reporter only if required by the referee or by the parties to the reference, and, if required by any of the parties to the reference, copies shall be furnished upon such terms as may be fixed by the referee. R.S.O. 1960, c. 252, s. 112, *amended*. Evidence taken need not be filed or written out

**85.** Except as otherwise provided in this Act, the rules and practice for the time being of the Supreme Court shall be followed so far as they are applicable. R.S.O. 1960, c. 252, s. 111, *amended*. Rules and practice

Referee  
may make  
rules

**86.** The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and may prescribe tariffs of fees. R.S.O. 1960, c. 252, s. 119, *amended*.

Tariff of  
costs

**87.** In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court which would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1960, c. 252, s. 120, *amended*.

Taxation  
of costs

**88.** Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1960, c. 252, s. 113.

Repeal:

**89.** The following are repealed:

R.S.O. 1960,  
c. 252

1. *The Municipal Drainage Act.*

R.S.O. 1960,  
c. 253

2. *The Municipal Drainage Aid Act.*

R.S.O. 1960,  
c. 109

3. *The Ditches and Watercourses Act.*

R.S.O. 1960,  
c. 192

4. *The Interprovincial Drainage Act.*

R.S.O. 1960,  
c. 311

5. *The Provincial Aid to Drainage Act.*

Commence-  
ment

**90.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**91.** This Act may be cited as *The Drainage Act, 1962-63*.



## FORM 1

(Section 3)

## PETITION FOR DRAINAGE WORKS

We, being owners, as shown by the last revised assessment roll, of  
lands in the.....of.....  
(Insert name of municipality or names of municipalities)  
requiring drainage, hereby petition that the area more particularly described  
as follows:

(Describe the area)

may be drained by means of a drainage works.

Signature	Part	Lot	Con. or Plan	Municipality
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R.S.O. 1960, c. 252, Form 1, amended.

## FORM 2

(Section 4 (1) )

## REQUISITION FOR EXAMINATION BY ENGINEER

To.....

Clerk of the.....of.....

Sir,—

I am the owner of the following land:

(Describe the land)

and I require the construction (or improvement, as the case may be) of a  
drainage works, and the following lands and roads will be affected:

(Describe each parcel of land to be affected  
and state the name of the owner thereof.)

and I request that an engineer be appointed by the council of the municipi-  
pality and that he appoint a time and place at which he will attend and  
examine the area in order to make a report.

Dated this.....day of....., 19.....

.....  
(Signature of party or parties)

R.S.O. 1960, c. 109, Form 4.

## FORM 3

(Section 4 (7) )

NOTICE OF APPOINTMENT FOR  
EXAMINATION BY ENGINEER

To: (Name of owner)

(Address)

Sir,—

You are hereby notified that the engineer appointed by the council of the.....of.....under section 4 of *The Drainage Act, 1962-63* has, in answer to a requisition, fixed the hour of.....o'clock in the.....noon of the.....day of....., 19....., to attend at (*name the place appointed*) and to examine the area and site of the proposed drainage works, being:

(Here describe the area and site)

and you, as an owner of land affected, are required to attend at such time and place.

Dated this.....day of....., 19.....

.....  
(Signature of Clerk)

R.S.O. 1960, c. 109, Form 5.

## FORM 4

(Section 27)

## FORM OF BY-LAW

A by-law to provide for a drainage works in the.....  
 of.....in the County of....., and  
 for borrowing on the credit of the municipality the sum of \$.....  
 for completing the drainage works (or the sum of \$....., the  
 proportion to be contributed by the municipality for completing the  
 drainage works).

Whereas the requisite number of owners, as shown by the last revised  
 assessment roll, of the property hereinafter set forth requiring drainage  
 have petitioned the council of the.....of.....  
 praying that the following lands and roads may be drained by a drainage  
 works:

*(Set out description of lands and roads)*

And whereas the council has procured a report made by.....  
 .....and the report is as follows:

*(Here set out the engineer's report)*

And whereas the council is of opinion that the drainage of the area  
 described is desirable;

Therefore the council of the.....of.....,  
 pursuant to *The Drainage Act, 1962-63*, enacts as follows:

1. The report is hereby adopted, and the drainage works as therein  
 indicated and set forth are hereby authorized and shall be completed in  
 accordance therewith.

2. The Corporation of the.....of.....  
 may borrow on the credit of the Corporation the sum of \$.....,  
 being the funds necessary for the drainage works not otherwise provided  
 for (or being the municipality's proportion of the funds necessary for the  
 drainage works); provided that such sum shall be reduced by the amount  
 of grants and commuted payments with respect to lands and roads assessed,  
 and may issue debentures of the Corporation to that amount in sums of  
 not less than \$50 each, and payable within.....years from the  
 date of such debentures with interest at the rate of.....per cent  
 per annum:

*(Insert the manner of payment annually and whether with or without  
 coupons, and, if the latter, omit the last lines of this paragraph)*

such debentures to be payable at....., and to have  
 attached to them coupons for the payment of interest.

3. For paying the sum of (\$410), the amount charged against such  
 lands and roads for benefit, and the sum of (\$108), the amount charged  
 against such lands and roads for outlet liability, and the sum of (\$135),  
 the amount charged against such lands and roads for injuring liability,  
 apart from lands and roads belonging to or controlled by the municipality  
 and for covering interest thereon for.....years, at the rate of

.....per cent per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned parcels of land and parts of parcels and roads, and the amount of the total special rates and interest against

each parcel or part of parcel respectively shall be divided into..... equal parts, and one such part shall be assessed, levied and collected as

aforsaid, in each year, for.....years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 3 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

Concession	Parcel of land or part thereof	Acres affected	Benefit assessment	Outlet liability assessment	Injuring liability assessment	Estimated grant	To cover interest for ..... years at....per cent	Total special rate	Annual assessment during each year for ..... years
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
10	5	200	100 00	23 00					
10	S.1 $\frac{1}{2}$ 6	100	50 00	10 00					
10	N.1 $\frac{1}{4}$ 6	50	30 00	5 00					
10	S.1 $\frac{1}{2}$ 8	100	80 00	13 00					
10	S.1 $\frac{1}{2}$ & N.W.1 $\frac{1}{4}$ 9	150	150 00	20 00					
10	4	76	.....	24 00					
10	S.1 $\frac{1}{2}$ 3	100	.....	13 00					
9	W.1 $\frac{1}{2}$ 5	100	.....	.....	40 00				
9	N.1 $\frac{1}{4}$ 6	50	.....	.....	25 00				
9	N.1 $\frac{1}{2}$ & S.E.1 $\frac{1}{4}$ 7	150	.....	.....	70 00				
Total for benefit.....			410 00	108 00	135 00				
" outlet.....			108 00						
" injuring.....			135 00						
Roads (and lands) of municipality.....			100 00						
TOTAL.....			\$753 00						

4. For paying the sum of (\$100), the amount assessed against such roads and lands of the municipality, and for covering interest thereon for.....years at the rate of.....per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the.....of .....in each year for.....years, after the passing of this by-law, during which the debentures have to run.



5. This by-law comes into force on the passing thereof, and may be cited as the ".....By-law".

FIRST READING.....

SECOND READING.....

THIRD READING.....

ENACTED this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

R.S.O. 1960, c. 252, Form 2.

# FORM 5

(Section 63)

## PETITION FOR GRANT

TO THE HONOURABLE, THE MINISTER OF.....

THE PETITION of The Corporation of the.....  
of.....

Sheweth:

1. On the.....day of....., 19....., the council of The Corporation of the.....of....., under By-law No....., adopted a report prepared by....., dated the.....day of....., 19....., for a drainage works to be known as The.....

2. The total estimated cost of the drainage works to be undertaken is \$.....

3. The approximate area of the lands affected by the drainage works is.....acres.

4. The report of the engineer, dated the.....day of....., 19....., is attached hereto.

5. Your petitioner therefore requests payment to it of the grant provided for in *The Drainage Act, 1962-63*.

Dated at the.....of....., this.....day of....., 19.....

.....  
(Head of Municipality)

.....  
(Clerk)

New.



*1st Reading*

December 18th, 1962

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 3rd, 1963

MR. SPOONER

# BILL 36

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## An Act to amend The Representation Act

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MR. MACDONALD

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EXPLANATORY NOTE

The purpose of the amendments is to provide a method of returning the Speaker after an election without restricting the right of electors to a choice.

The amendments create a new electoral district consisting of the Legislative Chamber. Its member is elected by the members of the Assembly and is the Speaker.

BILL 36

1962-63

## An Act to amend The Representation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Representation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 353, s. 2,  
re-enacted

2. The Legislative Assembly of Ontario shall consist of Number of  
members  
ninety-nine members.

2a.—(1) Notwithstanding any other Act, the member for Election of  
member for  
Queen's Park  
The Electoral District of Queen's Park shall be nominated and elected by the members of the Assembly at its first meeting after the seat becomes vacant, in the manner provided by the Rules of the Assembly.

(2) Any person qualified under section 6 of *The Legislative Assembly Act* may be nominated under sub- Qualification  
R.S.O. 1960,  
c. 208  
section 1.

(3) The member for The Electoral District of Queen's Speaker  
Park shall be the Speaker of the Assembly.

2.—(1) The Schedule to *The Representation Act* is amended R.S.O. 1960,  
c. 353,  
Sched.,  
amended  
by adding at the end of The Electoral District of St. Patrick "excepting thereout the Chamber of the Legislative Assembly of Ontario".

(2) The said Schedule is further amended by adding thereto R.S.O. 1960,  
c. 353,  
Sched.,  
amended  
the following electoral district:

THE ELECTORAL DISTRICT OF QUEEN'S PARK—to consist of  
the Chamber of the Legislative Assembly of Ontario.

3. This Act comes into force and has effect from and after Commence-  
ment  
the dissolution or end of the present Legislature.

4. This Act may be cited as *The Representation Amendment Act*, 1962-63. Short title

An Act to amend  
The Representation Act

1st Reading

December 19th, 1962

2nd Reading

3rd Reading

MR. MACDONALD



# **BILL 37**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The County Courts Act**

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**MR. CASS**

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THE COUNTY COURT OF MIDDLESEX  
IN THE MATTER OF THE COUNTY COURT OF MIDDLESEX

EXPLANATORY NOTE

The purpose of this Bill is to change the commencement date for the autumn sittings with or without a jury of the county court of the county of Middlesex from the second Monday in November to the last Monday in October, thus advancing the opening two weeks in order to avoid conflict with the sittings of other courts in the county.

BILL 37

1962-63

## An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 10 of *The County Courts Act* is <sup>R.S.O. 1960,</sup> amended by striking out "November" in the fourth line and <sup>c. 76, s. 10,</sup> inserting in lieu thereof "the last Monday in October", so <sup>subs. 6,</sup> that the subsection shall read as follows: <sup>amended</sup>

(6) In each year the sittings of the county court of the <sup>Middlesex</sup> county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and the last Monday in October and without a jury on the first Monday in April and October.

2. This Act may be cited as *The County Courts Amendment* <sup>Short title</sup> *Act, 1962-63.*

**BILL 37**

An Act to amend The County Courts Act

*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

MR. CASS

# BILL 37

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The County Courts Act

---

MR. CASS

---



IN SENATE, MAY 1, 1907  
 11-15-07

AN ACT TO AMEND THE COUNTY CODES

11-15-07

BILL 37

1962-63

## An Act to amend The County Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 10 of *The County Courts Act* is <sup>R.S.O. 1960,</sup> amended by striking out "November" in the fourth line and <sup>c. 76, s. 10,</sup> inserting in lieu thereof "the last Monday in October", so <sup>subs. 6,</sup> that the subsection shall read as follows: <sup>amended</sup>

(6) In each year the sittings of the county court of the <sup>Middlesex</sup> county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and the last Monday in October and without a jury on the first Monday in April and October.

2. This Act may be cited as *The County Courts Amendment* <sup>Short title</sup> *Act, 1962-63.*

An Act to amend The County Courts Act

*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 3rd, 1963

Mr. Cass

# **BILL 38**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The General Sessions Act**

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**MR. CASS**

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EXPLANATORY NOTE

The purpose of this Bill is to change the commencement date for the autumn sittings of the court of general sessions of the peace in the county of Middlesex from the second Monday in November to the last Monday in October, thus advancing the opening two weeks in order to avoid conflict with the sittings of other courts in the county.



BILL 38

1962-63

## An Act to amend The General Sessions Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 3 of *The General Sessions Act* <sup>R.S.O. 1960, c. 163, s. 3, subs. 6, amended</sup> is amended by striking out "November" in the third line and inserting in lieu thereof "the last Monday in October", so that the subsection shall read as follows:

(6) In the county of Middlesex the sittings of the court <sup>Middlesex</sup> in each year shall commence on the second Monday in May and the last Monday in October.

2. This Act may be cited as *The General Sessions Amendment Act, 1962-63*. <sup>Short title</sup>

An Act to amend  
The General Sessions Act

*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

MR. CASS

# BILL 38

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The General Sessions Act

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MR. CASS

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BILL 38

1962-63

## An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 3 of *The General Sessions Act* <sup>R.S.O. 1960, c. 163, s. 3, subs. 6, amended</sup> is amended by striking out "November" in the third line and inserting in lieu thereof "the last Monday in October", so that the subsection shall read as follows:

(6) In the county of Middlesex the sittings of the court <sup>Middlesex</sup> in each year shall commence on the second Monday in May and the last Monday in October.

2. This Act may be cited as *The General Sessions Amendment Act, 1962-63*. <sup>Short title</sup>



An Act to amend  
The General Sessions Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 3rd, 1963

---

Mr. Cass

---

# **BILL 39**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Surrogate Courts Act**

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**MR. CASS**

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EXPLANATORY NOTE

The purpose of this Bill is to provide an appeal from interlocutory orders, etc., made in a surrogate court. This is similar in principle to last session's amendment to *The County Courts Act* creating an appeal from interlocutory orders, etc., in a county or district court.

BILL 39

1962-63

## An Act to amend The Surrogate Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Surrogate Courts Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 388,  
amended

**32a.** In the case of any order, determination or judgment made or given by a surrogate court or a judge thereof in respect of which an appeal is not otherwise provided under this Act, an appeal lies to a judge of the Supreme Court, and the practice and procedure governing appeals from the Master of the Supreme Court apply to every such appeal. Appeals  
from  
interlocutory  
orders, etc.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Surrogate Courts Amendment Act, 1962-63*. Short title

An Act to amend  
The Surrogate Courts Act

*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

Mr. Cass



# **BILL 39**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Surrogate Courts Act**

---

MR. CASS

---




BILL 39

1962-63

## An Act to amend The Surrogate Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Surrogate Courts Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 388,   
amended
  - 32a. In the case of any order, determination or judgment made or given by a surrogate court or a judge thereof in respect of which an appeal is not otherwise provided under this Act, an appeal lies to a judge of the Supreme Court, and the practice and procedure governing appeals from the Master of the Supreme Court apply to every such appeal. Appeals  
from  
interlocutory  
orders, etc.
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Surrogate Courts Amendment Act, 1962-63*. Short title

An Act to amend  
The Surrogate Courts Act

---

*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 3rd, 1963

---

MR. CASS

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# **BILL 40**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Public Officers' Fees Act**

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**MR. CASS**

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THE PUBLIC FINANCE ACT  
1908-1909

EXPLANATORY NOTES

SECTION 1. The purpose of this re-enactment is to adjust the net income of division court clerks and division court bailiffs to a more equitable amount.

SECTION 2. The section authorizing the Lieutenant Governor in Council to make regulations changing the percentages fixed by the Act is considered to be unsound in principle and in any event is unnecessary. It is therefore repealed.

BILL 40

1962-63

## An Act to amend The Public Officers' Fees Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Officers' Fees Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 327, s. 37,  
re-enacted

7.—(1) Every division court clerk is entitled to retain to his own use in each year, Division  
court  
clerks

(a) all the gross fees and emoluments earned by him in that year up to \$10,000;

(b) on the excess over \$10,000 up to \$20,000, 60 per cent thereof; and

(c) on the excess over \$20,000, 40 per cent thereof,

and he shall pay the balance of such fees and emoluments to the Treasurer of Ontario.

(2) Every division court bailiff is entitled to retain to his own use in each year, Division  
court  
bailiffs

(a) all the gross fees and emoluments earned by him in that year up to \$10,000;

(b) on the excess over \$10,000 up to \$20,000, 80 per cent thereof; and

(c) on the excess over \$20,000, 70 per cent thereof,

and he shall pay the balance of such fees and emoluments to the Treasurer of Ontario.

2. Section 12 of *The Public Officers' Fees Act* is repealed. R.S.O. 1960,  
c. 327, s. 112,  
repealed

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1962-63*. Short title

An Act to amend  
The Public Officers' Fees Act

*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

MR. CASS

# **BILL 40**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Public Officers' Fees Act**

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**MR. CASS**

---





BILL 40

1962-63

## An Act to amend The Public Officers' Fees Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Officers' Fees Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 327, s. 7,  
re-enacted

7.—(1) Every division court clerk is entitled to retain to his own use in each year, Division  
court  
clerks

(a) all the gross fees and emoluments earned by him in that year up to \$10,000;

(b) on the excess over \$10,000 up to \$20,000, 60 per cent thereof; and

(c) on the excess over \$20,000, 40 per cent thereof,

and he shall pay the balance of such fees and emoluments to the Treasurer of Ontario.

(2) Every division court bailiff is entitled to retain to his own use in each year, Division  
court  
bailiffs

(a) all the gross fees and emoluments earned by him in that year up to \$10,000;

(b) on the excess over \$10,000 up to \$20,000, 80 per cent thereof; and

(c) on the excess over \$20,000, 70 per cent thereof,

and he shall pay the balance of such fees and emoluments to the Treasurer of Ontario

2. Section 12 of *The Public Officers' Fees Act* is repealed. R.S.O. 1960,  
c. 327, s. 12,  
repealed

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1962-63*. Short title

An Act to amend  
The Public Officers' Fees Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 3rd, 1963

---

Mr. Cass

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# BILL 41

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Voters' Lists Act

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MR. CASS

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10-4291 11 10-4291 11 10-4291 11 10-4291 11

#### EXPLANATORY NOTE

At present, the clerk of the municipality is required to have 175 copies of the voters' list printed for the purpose of distribution to heads of council and court officers, etc. As this has been found to be excessive, the amendment will require the clerk to have only 75 copies printed for such purpose.

BILL 41

1962-63

## An Act to amend The Voters' Lists Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Voters' Lists Act* is amended by striking out "175" in the third line and inserting in lieu thereof "75", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 420, s. 9,  
subs. 1,  
amended

- (1) Immediately after the clerk has made the list, and within thirty days after the return of the assessment roll, the clerk shall cause at least 75 copies of the list to be reproduced by mechanical means in pamphlet form, and immediately thereafter shall cause one of such copies to be posted up and kept posted up in a conspicuous place in his office, and deliver or mail fifteen copies to the clerk of the peace and one copy, Printing  
and  
distribution  
of list

. . . . .

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Voters' Lists Amendment Act, 1962-63*. Short title



An Act to amend The Voters' Lists Act

*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

Mr. Cass

# BILL 41

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Voters' Lists Act

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MR. CASS

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THE UNIVERSITY OF CHICAGO  
 LIBRARY

THE UNIVERSITY OF CHICAGO

BILL 41

1962-63

## An Act to amend The Voters' Lists Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Voters' Lists Act* is amended by striking out "175" in the third line and inserting in lieu thereof "75", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 420, s. 9,  
subs. 1,  
amended

- (1) Immediately after the clerk has made the list, and within thirty days after the return of the assessment roll, the clerk shall cause at least 75 copies of the list to be reproduced by mechanical means in pamphlet form, and immediately thereafter shall cause one of such copies to be posted up and kept posted up in a conspicuous place in his office, and deliver or mail fifteen copies to the clerk of the peace and one copy,

Printing  
and  
distribution  
of list

. . . . .

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Voters' Lists Amendment Act, 1962-63*.

Short title

An Act to amend 'The Voters' Lists Act

*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 26th, 1963

MR. CASS



# **BILL 42**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Division Courts Act**

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**MR. CASS**

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AMENDMENT TO THE  
 ACT OF 1907 (11 STAT. 24-1)

EXPLANATORY NOTES

SECTION 1. This amendment brings the section into line with the increased jurisdiction of division courts now in effect.

SECTION 2. The purpose of this amendment is to give a defendant 10 days instead of 5 days in which to decide whether or not he requires a jury.

BILL 42

1962-63

## An Act to amend The Division Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 162 of *The Division Courts Act* is amended by striking out "\$200" in the fifth line and inserting in lieu thereof "\$400 where the court is in a county and \$800 where the court is in a provisional judicial district", so that the section shall read as follows:

162. Notwithstanding subsection 1 of section 161, where a judgment is transferred under subsection 3 of section 129 and a consolidation order has been made against the judgment debtor, the clerk of the court shall add the judgment to the consolidation order but only to the extent of \$400 where the court is in a county and \$800 where the court is in a provisional judicial district.

2. Subsection 2 of section 186 of *The Division Courts Act* is amended by striking out "five" in the sixth line and inserting in lieu thereof "ten", so that the subsection shall read as follows:

(2) Where the plaintiff requires a jury, he shall give notice thereof to the clerk one week before the sittings of the court at which the action is to be tried and deposit with him the proper fees for the expenses attending the summoning of the jury, and, where a claimant or a defendant requires a jury, he shall, within ten days after the day of service of the summons on him, give to the clerk the like notice and deposit with him the proper fees, and thereupon, in either case, a jury shall be summoned.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Division Courts Amendment Act, 1962-63*.

An Act to amend  
The Division Courts Act

*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

MR. CASS

# **BILL 42**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Division Courts Act**

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**MR. CASS**

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THE UNIVERSITY OF CHICAGO  
 1111 UNIVERSITY AVENUE

THE UNIVERSITY OF CHICAGO

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BILL 42

1962-63

## An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 162 of *The Division Courts Act* is amended by striking out "\$200" in the fifth line and inserting in lieu thereof "\$400 where the court is in a county and \$800 where the court is in a provisional judicial district", so that the section shall read as follows: R.S.O. 1960, c. 110, s. 162, amended

162. Notwithstanding subsection 1 of section 161, where a judgment is transferred under subsection 3 of section 129 and a consolidation order has been made against the judgment debtor, the clerk of the court shall add the judgment to the consolidation order but only to the extent of \$400 where the court is in a county and \$800 where the court is in a provisional judicial district. Addition of Supreme and county court judgments to consolidation orders

2. Subsection 2 of section 186 of *The Division Courts Act* is amended by striking out "five" in the sixth line and inserting in lieu thereof "ten", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 186, subs. 2, amended

(2) Where the plaintiff requires a jury, he shall give notice thereof to the clerk one week before the sittings of the court at which the action is to be tried and deposit with him the proper fees for the expenses attending the summoning of the jury, and, where a claimant or a defendant requires a jury, he shall, within ten days after the day of service of the summons on him, give to the clerk the like notice and deposit with him the proper fees, and thereupon, in either case, a jury shall be summoned. Notice to clerk

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Division Courts Amendment Act, 1962-63*. Short title

An Act to amend  
The Division Courts Act

---

*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 26th, 1963

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Mr. Cass

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# **BILL 43**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Junior Farmer Establishment Act**

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**MR. STEWART**

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UNITED STATES DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY

THE JUNIOR FARMER GUARANTEE ACT

#### EXPLANATORY NOTE

The application of the Act is extended to permit loans to a family, partnership or corporation of which a junior farmer is a member or director.

The maximum loan under the Act has been raised from \$15,000 to \$20,000 and the amount obtainable has been increased from 65 per cent of the value of the security to 80 per cent. The maximum term of the loans is extended from twenty-five years to thirty years.

Provision is made for provincial guarantee of up to 10 per cent of bank loans made to junior farmers for operating expenses.



BILL 43

1962-63

## An Act to amend The Junior Farmer Establishment Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Junior Farmer Establishment Act* is amended by <sup>R.S.O. 1960,</sup>renumbering section 1 as section 1a and by adding thereto <sup>c. 198,</sup>amended the following section:

1. In this Act,

Interpre-  
tation

- (a) "borrower" means a person to whom a loan is made under this Act;
- (b) "Corporation" means The Ontario Junior Farmer Establishment Loan Corporation;
- (c) "directors" means the directors of the Corporation;
- (d) "economic farm unit" means one or more parcels of land and buildings capable of operation to produce sufficient income,
  - (i) to repay the money borrowed under this Act and interest thereon in accordance with the terms on which the loan is made,
  - (ii) to carry out and maintain the required improvements on the farm,
  - (iii) to replace live stock and farm equipment as required from time to time,
  - (iv) to pay the annual costs of operating the farm, and

(v) to support in a reasonable manner the junior farmer and his family, and any other person depending upon the farm for support;

(e) "family farm" means a farm operated by a junior farmer and one or more persons related to him through blood relationship, marriage or adoption;

(f) "farming" includes tillage of the soil, raising of live stock, dairying, apiculture and raising of fur-bearing animals;

(g) "incorporated family farm" means a family farm where the junior farmer and other persons are incorporated as a corporation under *The Corporations Act*, and the junior farmer is an officer of such corporation;

(h) "junior farmer" means a person who complies with clauses *a* to *e* of section 11;

(i) "live stock" means cattle, sheep, swine, horses, goats and poultry;

(j) "regulations" means regulations made under this Act;

(k) "Treasurer" means the Treasurer of Ontario.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 198, s. 1*a*,  
subs. 1,  
re-enacted

**2.** Subsection 1 of section 1*a*, as renumbered by section 1, of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Corporation  
continued  
and object

(1) The Ontario Junior Farmer Establishment Loan Corporation is continued and has as its object the making of loans to junior farmers and owners of,

(a) family farms and incorporated family farms where one of the family members is a junior farmer; and

(b) farms operated as partnerships where one of the partners is a junior farmer,

in the establishment, development and operation of their farms.

R.S.O. 1960,  
c. 198, s. 10,  
par. 8,  
amended

**3.** Paragraph 8 of section 10 of *The Junior Farmer Establishment Act* is amended by striking out "applicant's" in the second line and inserting in lieu thereof "borrower's", so that the paragraph shall read as follows:

8. For such purposes relating to the establishment, development and operation of the borrower's farm as the Corporation approves.

4.—(1) Clause *a* of section 11 of *The Junior Farmer Establishment Act* is amended by adding at the end thereof <sup>R.S.O. 1960, c. 198, s. 11, cl. *a*, amended</sup> "on the date the application is received by the Corporation", so that the clause shall read as follows:

- (a) that he is of the full age of twenty-one years and not more than thirty-five years of age on the date the application is received by the Corporation.

(2) The said section 11 is amended by adding thereto the <sup>R.S.O. 1960, c. 198, s. 11, amended</sup> following subsection:

- (2) Where the applicant for a loan under this Act applies in respect of a family farm or incorporated family farm, he shall submit with the application <sup>Applicant shall submit particulars of ownership, etc.</sup> such particulars of the ownership and operation of the farm as the regulations prescribe.

5. Section 12 of *The Junior Farmer Establishment Act* is <sup>R.S.O. 1960, c. 198, s. 12, amended</sup> amended by adding thereto the following subsections:

- (2a) Where the Corporation is of the opinion that the <sup>Corporation shall refuse loan where land and buildings not economic farm unit</sup> land and buildings upon which security is offered by the applicant for the loan does not constitute an economic farm unit, the Corporation shall refuse the loan.

. . . . .

- (4) Where the Corporation receives insurance moneys <sup>Insurance moneys</sup> as mortgagee, it may apply such insurance moneys on the mortgage debt or for rebuilding, reinstating or repairing the premises or for such other purposes as the Corporation deems proper.

- (5) Where the Corporation applies insurance moneys <sup>Idem</sup> under subsection 4 for any purpose, the moneys paid by the Corporation shall not be deemed to be a subsequent advance under the mortgage.

6. Section 13 of *The Junior Farmer Establishment Act* is <sup>R.S.O. 1960, c. 198, s. 13, amended</sup> amended by striking out "applicant" in the third line and inserting in lieu thereof "borrower" and by striking out "65" in the fourth line and inserting in lieu thereof "80", so that the section shall read as follows:



Extent of  
loan

13. Where the Corporation is satisfied that the conditions of this Act and the regulations have been complied with, the Corporation may make a loan to the borrower to the extent of 80 per cent of the value of the security as shown by the valuator's report.

R.S.O. 1960,  
c. 198, s. 14,  
re-enacted

7. Section 14 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Limitation  
as to loan,

- 14.—(1) No loan shall exceed \$20,000.

and security  
therefor

- (2) Every loan shall be secured by a first mortgage upon the lands farmed or to be farmed as indicated in the application for the loan.

Qualifica-  
tions of  
borrower

- (3) A borrower shall be,

- (a) a junior farmer or the spouse of a junior farmer, or both of them;
- (b) a partnership having as one of the partners a junior farmer;
- (c) the owner of a family farm; or
- (d) a corporation operating an incorporated family farm where the junior farmer holds shares or other evidence of ownership of assets of the corporation.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 1,  
amended

8.—(1) Subsection 1 of section 16 of *The Junior Farmer Establishment Act* is amended by striking out "twenty-five" in the fifth line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Loan, how  
repayable

- (1) Except as hereinafter provided, a loan made under this Act is repayable in annual instalments of principal and interest sufficient to discharge the debt at the end of such period as is agreed upon, but no loan shall be made for more than thirty years.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

Annual  
instalments  
of principal  
and interest

- (2) Instalments of principal and interest shall be equal and shall be payable annually not later than a date determined by the Corporation, but, from the date of the advancing of the moneys under the loan until the first payment date, interest only shall be payable.

(3) Subsection 5 of the said section 16 is amended by striking out "but not more than twenty years from the date of the mortgage or agreement for sale" in the twelfth, thirteenth and fourteenth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 198, s. 16,  
subs. 5,  
amended

- (5) The Corporation may grant such extension of time for the payment of principal and interest to any borrower and to any purchaser under an agreement for sale as the Corporation deems advisable and may, at any time at its discretion, consolidate the total indebtedness owing by any mortgagor or purchaser to the Corporation, inclusive of accrued interest and moneys paid for taxes, insurance, fees and disbursements to the date of consolidation, and alter the provisions of the mortgage and the agreement for sale so that the consolidated indebtedness with interest may be repayable in annual instalments for the balance of the term of the mortgage and agreement for sale or for such longer term as the Corporation deems proper.

Consolidation of  
indebtedness

(4) Subsection 6 of the said section 16 is amended by striking out "65" in the fifth line and inserting in lieu thereof "80", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 198, s. 16,  
subs. 6,  
amended

- (6) Where a loan has been made under this Act and the borrower applies for an increase in the loan upon the same security, the Corporation may, if it is satisfied that the conditions of this Act and the regulations have been complied with, make a new loan to the applicant to the extent of 80 per cent of the value of the security as shown by the valuator's report.

Increase  
in loans

9. Section 18 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 198, s. 18,  
re-enacted

18. It shall be a term of a mortgage taken as security for a loan under this Act that, at the option of the Corporation, the mortgage shall immediately become due and payable where,

Sale of  
mortgaged  
land

- (a) the land or any part thereof is sold or otherwise disposed of;
- (b) an agreement is made for the sale of the land or any part thereof;



- (c) the junior farmer in respect of whose application the loan was made ceases to farm on a full-time basis on the land; or
- (d) in the case of a family farm or incorporated family farm or farm operated by a partnership, the junior farmer in respect of whose application the loan was made ceases to comply with the Act and the regulations.

Term of  
mortgage

18a. It shall be a term of a mortgage that the operation of the farm in respect of which a loan is made shall be in accordance with sound farming practices and carried out with accurate records kept of the farm operation and, at the request of the Corporation, that the junior farmer participates in a farm management programme.

R.S.O. 1960,  
c. 198, s. 23,  
amended

**10.**—(1) Section 23 of *The Junior Farmer Establishment Act* is amended by striking out “governing” in the second line and inserting in lieu thereof “respecting”, so that the section, exclusive of the clauses, shall read as follows:

Regulations

23. The Lieutenant Governor in Council may make regulations respecting,

. . . . .

R.S.O. 1960,  
c. 198, s. 23,  
amended

(2) The said section 23 is further amended by adding thereto the following clauses:

(da) the information to be furnished to the Corporation in respect of the ownership and operation of any farm;

(db) the prescribing and use of forms.

R.S.O. 1960,  
c. 198,  
amended

**11.** *The Junior Farmer Establishment Act* is amended by adding thereto the following section:

Guarantee  
of bank  
loans

26.—(1) The Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee payment of losses sustained by a chartered bank as a result of a loan made to a junior farmer for the establishment, development and operation of his farm, in an amount not to exceed 10 per cent of the principal of the bank loan, where,

(a) the junior farmer has a loan from the Corporation;

- (b) the loan was made pursuant to an application by the borrower in the form prescribed by the Corporation, stating the purpose of the loan;
  - (c) an officer of the bank certifies that he has scrutinized and checked the application for the loan with the care required of him by the bank in the conduct of its ordinary business;
  - (d) the principal amount of the loan at the time of its making, together with the amount owing in respect of other loans guaranteed under this Act previously made to the borrower and disclosed in his application or of which the bank had knowledge,
    - (i) where the farm is owned by a junior farmer or his spouse, or both of them, or by a partnership, did not exceed the sum of \$5,000, or
    - (ii) where the farm is a family farm or an incorporated family farm, did not exceed the sum of \$10,000; and
  - (e) the loan was repayable in full by the terms thereof in not more than ten years and the rate of interest charged by the bank on the loan did not exceed 6 per cent per annum.
- (2) The form and manner of the guarantee shall be such <sup>Form of guarantee</sup> as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loss thereon guaranteed according to the terms of the guarantee.
- (3) The Lieutenant Governor in Council may make <sup>Payment of guarantee</sup> arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.
- (4) A claim for loss by a bank in respect of the amount <sup>Idem</sup> guaranteed shall be made to the Treasurer not sooner than ninety days nor later than one year after the entire amount of the loan becomes due and payable.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1962-63*.

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

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An Act to amend  
The Junior Farmer Establishment Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

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Mr. STEWART

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# BILL 43

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Junior Farmer Establishment Act

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MR. STEWART

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*(Reprinted as amended by the Committee on Agriculture)*

THE JUNIOR FARMER GUARANTEE ACT  
 CHAPTER 111 OF THE REVISED STATUTES

THE JUNIOR FARMER GUARANTEE ACT  
 CHAPTER 111 OF THE REVISED STATUTES

# EXPLANATORY NOTE

The application of the Act is extended to permit loans to a family, partnership or corporation of which a junior farmer is a member or director.

The maximum loan under the Act has been raised from \$15,000 to \$20,000 and the amount obtainable has been increased from 65 per cent of the value of the security to 80 per cent. The maximum term of the loans is extended from twenty-five years to thirty years.

Provision is made for provincial guarantee of up to 10 per cent of bank loans made to junior farmers for operating expenses.

THE JUNIOR FARMER GUARANTEE ACT  
 CHAPTER 111 OF THE REVISED STATUTES

BILL 43

1962-63

## An Act to amend The Junior Farmer Establishment Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Junior Farmer Establishment Act* is amended by R.S.O. 1960,  
renumbering section 1 as section 1a and by adding thereto <sup>o. 198,</sup>  
the following section: <sup>amended</sup>

1. In this Act,

Interpre-  
tation

- (a) "borrower" means a person to whom a loan is made under this Act;
- (b) "Corporation" means The Ontario Junior Farmer Establishment Loan Corporation;
- (c) "directors" means the directors of the Corporation;
- (d) "economic farm unit" means one or more parcels of land and buildings capable of operation to produce sufficient income,
  - (i) to repay the money borrowed under this Act and interest thereon in accordance with the terms on which the loan is made,
  - (ii) to carry out and maintain the required improvements on the farm,
  - (iii) to replace live stock and farm equipment as required from time to time,
  - (iv) to pay the annual costs of operating the farm, and

(v) to support in a reasonable manner the junior farmer and his family, and any other person depending upon the farm for support;

(e) "family farm" means a farm operated by a junior farmer and one or more persons related to him through blood relationship, marriage or adoption;

(f) "farming" includes tillage of the soil, raising of live stock, dairying, apiculture and raising of fur-bearing animals;

(g) "incorporated family farm" means a family farm where the junior farmer and other persons are incorporated as a corporation under *The Corporations Act*, and the junior farmer is an officer of such corporation;

(h) "junior farmer" means a person who complies with clauses *a* to *e* of section 11;

(i) "live stock" means cattle, sheep, swine, horses, goats and poultry;

(j) "regulations" means regulations made under this Act;

(k) "Treasurer" means the Treasurer of Ontario.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 198, s. 1a,  
subs. 1,  
re-enacted

2. Subsection 1 of section 1a, as renumbered by section 1, of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Corporation  
continued  
and object

(1) The Ontario Junior Farmer Establishment Loan Corporation is continued and has as its object the making of loans to junior farmers and owners of,

(a) family farms and incorporated family farms where one of the family members is a junior farmer; and

(b) farms operated as partnerships where one of the partners is a junior farmer,

in the establishment, development and operation of their farms.

R.S.O. 1960,  
c. 198, s. 10,  
par. 8,  
amended

3. Paragraph 8 of section 10 of *The Junior Farmer Establishment Act* is amended by striking out "applicant's" in the second line and inserting in lieu thereof "borrower's", so that the paragraph shall read as follows:



8. For such purposes relating to the establishment, development and operation of the borrower's farm as the Corporation approves.

4.—(1) Clause *a* of section 11 of *The Junior Farmer Establishment Act* is amended by adding at the end thereof "on the date the application is received by the Corporation", so that the clause shall read as follows:

R.S.O. 1960,  
c. 198, s. 11,  
cl. a,  
amended

- (a) that he is of the full age of twenty-one years and not more than thirty-five years of age on the date the application is received by the Corporation.

(2) The said section 11 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 198, s. 11,  
amended

- (2) Where the applicant for a loan under this Act applies in respect of a family farm or incorporated family farm, he shall submit with the application such particulars of the ownership and operation of the farm as the regulations prescribe.
- Applicant  
shall submit  
particulars  
of owner-  
ship, etc.

5. Section 12 of *The Junior Farmer Establishment Act* is amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 198, s. 12,  
amended

- (2a) Where the Corporation is of the opinion that the land and buildings upon which security is offered by the applicant for the loan does not constitute an economic farm unit, the Corporation shall refuse the loan.
- Corporation  
shall refuse  
loan where  
land and  
buildings not  
economic  
farm unit

- (4) Where the Corporation receives insurance moneys as mortgagee, it may apply such insurance moneys on the mortgage debt or for rebuilding, reinstating or repairing the premises or for such other purposes as the Corporation deems proper.
- Insurance  
moneys

- (5) Where the Corporation applies insurance moneys under subsection 4 for any purpose, the moneys paid by the Corporation shall not be deemed to be a subsequent advance under the mortgage.
- Idem

6. Section 13 of *The Junior Farmer Establishment Act* is amended by striking out "applicant" in the third line and inserting in lieu thereof "borrower" and by striking out "65" in the fourth line and inserting in lieu thereof "80", so that the section shall read as follows:

R.S.O. 1960,  
c. 198, s. 13,  
amended



Extent of  
loan

13. Where the Corporation is satisfied that the conditions of this Act and the regulations have been complied with, the Corporation may make a loan to the borrower to the extent of 80 per cent of the value of the security as shown by the valuator's report.

R.S.O. 1960,  
c. 198, s. 14,  
re-enacted

7. Section 14 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Limitation  
as to loan,

- 14.—(1) No loan shall exceed \$20,000.

rate of  
interest

- (2) Every loan shall bear interest at the rate of 5 per cent per annum.

and security  
therefor

- (3) Every loan shall be secured by a first mortgage upon the lands farmed or to be farmed as indicated in the application for the loan.

Qualifica-  
tions of  
borrower

- (4) A borrower shall be,
- (a) a junior farmer or the spouse of a junior farmer, or both of them;
  - (b) a partnership having as one of the partners a junior farmer;
  - (c) the owner of a family farm; or
  - (d) a corporation operating an incorporated family farm, where the junior farmer holds shares or other evidence of ownership of assets of the corporation.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 1,  
amended

8.—(1) Subsection 1 of section 16 of *The Junior Farmer Establishment Act* is amended by striking out "twenty-five" in the fifth line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Loan, how  
repayable

- (1) Except as hereinafter provided, a loan made under this Act is repayable in annual instalments of principal and interest sufficient to discharge the debt at the end of such period as is agreed upon, but no loan shall be made for more than thirty years.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

Annual  
instalments  
of principal  
and interest

- (2) Instalments of principal and interest shall be equal and shall be payable annually not later than a date determined by the Corporation, but, from the date of the advancing of the moneys under the loan until the first payment date, interest only shall be payable.

(3) Subsection 5 of the said section 16 is amended by <sup>R.S.O. 1960, c. 198, s. 16, subs. 5, amended</sup> striking out "but not more than twenty years from the date of the mortgage or agreement for sale" in the twelfth, thirteenth and fourteenth lines, so that the subsection shall read as follows:

- (5) The Corporation may grant such extension of time <sup>Consolidation of indebtedness</sup> for the payment of principal and interest to any borrower and to any purchaser under an agreement for sale as the Corporation deems advisable and may, at any time at its discretion, consolidate the total indebtedness owing by any mortgagor or purchaser to the Corporation, inclusive of accrued interest and moneys paid for taxes, insurance, fees and disbursements to the date of consolidation, and alter the provisions of the mortgage and the agreement for sale so that the consolidated indebtedness with interest may be repayable in annual instalments for the balance of the term of the mortgage and agreement for sale or for such longer term as the Corporation deems proper.

(4) Subsection 6 of the said section 16 is amended by <sup>R.S.O. 1960, c. 198, s. 16, subs. 6, amended</sup> striking out "65" in the fifth line and inserting in lieu thereof "80", so that the subsection shall read as follows:

- (6) Where a loan has been made under this Act and the <sup>Increase in loans</sup> borrower applies for an increase in the loan upon the same security, the Corporation may, if it is satisfied that the conditions of this Act and the regulations have been complied with, make a new loan to the applicant to the extent of 80 per cent of the value of the security as shown by the valuator's report.

9. Section 18 of *The Junior Farmer Establishment Act* is <sup>R.S.O. 1960, c. 198, s. 18, re-enacted</sup> repealed and the following substituted therefor:

18. It shall be a term of a mortgage taken as security <sup>Sale of mortgaged land</sup> for a loan under this Act that, at the option of the Corporation, the mortgage shall immediately become due and payable where,

- (a) the land or any part thereof is sold or otherwise disposed of;
- (b) an agreement is made for the sale of the land or any part thereof;
- (c) the junior farmer in respect of whose application the loan was made ceases to farm on a full-time basis on the land; or

- (d) in the case of a family farm or incorporated family farm or farm operated by a partnership, the junior farmer in respect of whose application the loan was made ceases to comply with the Act and the regulations.

**Term of mortgage**

- 18a. It shall be a term of a mortgage that the operation of the farm in respect of which a loan is made shall be in accordance with sound farming practices and carried out with accurate records kept of the farm operation and, at the request of the Corporation, that the junior farmer participates in a farm management programme.

**R.S.O. 1960,  
c. 198, s. 23,  
amended**

- 10.**—(1) Section 23 of *The Junior Farmer Establishment Act* is amended by striking out “governing” in the second line and inserting in lieu thereof “respecting”, so that the section, exclusive of the clauses, shall read as follows:

**Regulations**

23. The Lieutenant Governor in Council may make regulations respecting,

**R.S.O. 1960,  
c. 198, s. 23,  
amended**

- (2) The said section 23 is further amended by adding thereto the following clauses:

- (da) the information to be furnished to the Corporation in respect of the ownership and operation of any farm;
- (db) the prescribing and use of forms;
- (dc) the terms and conditions for the making of bank loans;
- (dd) insurance on the life of a borrower.

**R.S.O. 1960,  
c. 198,  
amended**

- 11.** *The Junior Farmer Establishment Act* is amended by adding thereto the following section:

**Guarantee  
of bank  
loans**

- 26.—(1) The Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee payment of losses sustained by a chartered bank as a result of loans made to junior farmers for the establishment, development and operation of their farms, in an amount not to exceed 10 per cent of the aggregate principal amount of the bank loans, where,

- (a) the junior farmer has a loan from the Corporation;



- (b) the bank loan was made pursuant to an application by the borrower in the form prescribed by the Corporation, stating the purpose of the bank loan;
  - (c) an officer of the bank certifies that he has scrutinized and checked the application for the bank loan with the care required of him by the bank in the conduct of its ordinary business;
  - (d) the principal amount of the bank loan at the time of its making, together with the amount owing in respect of other bank loans guaranteed under this Act previously made to the borrower and disclosed in his application or of which the bank had knowledge,
    - (i) where the farm is owned by a junior farmer or his spouse, or both of them, or by a partnership, did not exceed the sum of \$5,000, or
    - (ii) where the farm is a family farm or an incorporated family farm, did not exceed the sum of \$10,000; and
  - (e) the bank loan was repayable in full by the terms thereof in not more than ten years and the rate of interest charged by the bank on the loan did not exceed the current rates of interest.
- (2) The form and manner of the guarantee shall be such <sup>Form of guarantee</sup> as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loss thereon guaranteed according to the terms of the guarantee.
  - (3) The Lieutenant Governor in Council may make <sup>Payment of guarantee</sup> arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.
  - (4) A claim for loss by a bank in respect of the amount <sup>Idem</sup> guaranteed shall be made to the Treasurer not sooner than ninety days nor later than one year after the entire amount of the loan becomes due and payable.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1962-63*.





An Act to amend  
The Junior Farmer Establishment Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

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MR. STEWART

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(Reprinted as amended by the  
Committee on Agriculture)

# **BILL 43**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Junior Farmer Establishment Act**

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**MR. STEWART**

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BILL 43

1962-63

## An Act to amend The Junior Farmer Establishment Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Junior Farmer Establishment Act* is amended by <sup>R.S.O. 1960,</sup> renumbering section 1 as section 1a and by adding thereto <sup>c. 198,</sup> amended the following section:

1. In this Act,

Interpre-  
tation

- (a) "borrower" means a person to whom a loan is made under this Act;
- (b) "Corporation" means The Ontario Junior Farmer Establishment Loan Corporation;
- (c) "directors" means the directors of the Corporation;
- (d) "economic farm unit" means one or more parcels of land and buildings capable of operation to produce sufficient income,
  - (i) to repay the money borrowed under this Act and interest thereon in accordance with the terms on which the loan is made,
  - (ii) to carry out and maintain the required improvements on the farm,
  - (iii) to replace live stock and farm equipment as required from time to time,
  - (iv) to pay the annual costs of operating the farm, and



(v) to support in a reasonable manner the junior farmer and his family, and any other person depending upon the farm for support;

(e) "family farm" means a farm operated by a junior farmer and one or more persons related to him through blood relationship, marriage or adoption;

(f) "farming" includes tillage of the soil, raising of live stock, dairying, apiculture and raising of fur-bearing animals;

(g) "incorporated family farm" means a family farm where the junior farmer and other persons are incorporated as a corporation under *The Corporations Act*, and the junior farmer is an officer of such corporation;

(h) "junior farmer" means a person who complies with clauses *a* to *e* of section 11;

(i) "live stock" means cattle, sheep, swine, horses, goats and poultry;

(j) "regulations" means regulations made under this Act;

(k) "Treasurer" means the Treasurer of Ontario.

R.S.O. 1960,  
c. 71

R.S.O. 1960,  
c. 198, s. 1a,  
subs. 1,  
re-enacted

2. Subsection 1 of section 1a, as renumbered by section 1, of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Corporation  
continued  
and object

(1) The Ontario Junior Farmer Establishment Loan Corporation is continued and has as its object the making of loans to junior farmers and owners of,

(a) family farms and incorporated family farms where one of the family members is a junior farmer; and

(b) farms operated as partnerships where one of the partners is a junior farmer,

in the establishment, development and operation of their farms.

R.S.O. 1960,  
c. 198, s. 10,  
par. 8,  
amended

3. Paragraph 8 of section 10 of *The Junior Farmer Establishment Act* is amended by striking out "applicant's" in the second line and inserting in lieu thereof "borrower's", so that the paragraph shall read as follows:

8. For such purposes relating to the establishment, development and operation of the borrower's farm as the Corporation approves.

4.—(1) Clause *a* of section 11 of *The Junior Farmer Establishment Act* is amended by adding at the end thereof "on the date the application is received by the Corporation", so that the clause shall read as follows:

R.S.O. 1960,  
c. 198, s. 11,  
cl. a,  
amended

- (a) that he is of the full age of twenty-one years and not more than thirty-five years of age on the date the application is received by the Corporation.

(2) The said section 11 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 198, s. 11,  
amended

- (2) Where the applicant for a loan under this Act applies in respect of a family farm or incorporated family farm, he shall submit with the application such particulars of the ownership and operation of the farm as the regulations prescribe.

Applicant  
shall submit  
particulars  
of owner-  
ship, etc.

5. Section 12 of *The Junior Farmer Establishment Act* is amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 198, s. 12,  
amended

- (2a) Where the Corporation is of the opinion that the land and buildings upon which security is offered by the applicant for the loan does not constitute an economic farm unit, the Corporation shall refuse the loan.

Corporation  
shall refuse  
loan where  
land and  
buildings not  
economic  
farm unit

- (4) Where the Corporation receives insurance moneys as mortgagee, it may apply such insurance moneys on the mortgage debt or for rebuilding, reinstating or repairing the premises or for such other purposes as the Corporation deems proper.

Insurance  
moneys

- (5) Where the Corporation applies insurance moneys under subsection 4 for any purpose, the moneys paid by the Corporation shall not be deemed to be a subsequent advance under the mortgage.

Idem

6. Section 13 of *The Junior Farmer Establishment Act* is amended by striking out "applicant" in the third line and inserting in lieu thereof "borrower" and by striking out "65" in the fourth line and inserting in lieu thereof "80", so that the section shall read as follows:

R.S.O. 1960,  
c. 198, s. 13,  
amended

Extent of  
loan

13. Where the Corporation is satisfied that the conditions of this Act and the regulations have been complied with, the Corporation may make a loan to the borrower to the extent of 80 per cent of the value of the security as shown by the valuator's report.

R.S.O. 1960,  
c. 198, s. 14,  
re-enacted

7. Section 14 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

Limitation  
as to loan,

- 14.—(1) No loan shall exceed \$20,000.

rate of  
interest

- (2) Every loan shall bear interest at the rate of 5 per cent per annum.

and security  
therefor

- (3) Every loan shall be secured by a first mortgage upon the lands farmed or to be farmed as indicated in the application for the loan.

Qualifica-  
tions of  
borrower

- (4) A borrower shall be,
- (a) a junior farmer or the spouse of a junior farmer, or both of them;
  - (b) a partnership having as one of the partners a junior farmer;
  - (c) the owner of a family farm; or
  - (d) a corporation operating an incorporated family farm where the junior farmer holds shares or other evidence of ownership of assets of the corporation.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 1,  
amended

- 8.—(1) Subsection 1 of section 16 of *The Junior Farmer Establishment Act* is amended by striking out "twenty-five" in the fifth line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Loan, how  
repayable

- (1) Except as hereinafter provided, a loan made under this Act is repayable in annual instalments of principal and interest sufficient to discharge the debt at the end of such period as is agreed upon, but no loan shall be made for more than thirty years.

R.S.O. 1960,  
c. 198, s. 16,  
subs. 2,  
re-enacted

- (2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

Annual  
instalments  
of principal  
and interest

- (2) Instalments of principal and interest shall be equal and shall be payable annually not later than a date determined by the Corporation, but, from the date of the advancing of the moneys under the loan until the first payment date, interest only shall be payable.



(3) Subsection 5 of the said section 16 is amended by striking out "but not more than twenty years from the date of the mortgage or agreement for sale" in the twelfth, thirteenth and fourteenth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 198, s. 16,  
subs. 5,  
amended

- (5) The Corporation may grant such extension of time for the payment of principal and interest to any borrower and to any purchaser under an agreement for sale as the Corporation deems advisable and may, at any time at its discretion, consolidate the total indebtedness owing by any mortgagor or purchaser to the Corporation, inclusive of accrued interest and moneys paid for taxes, insurance, fees and disbursements to the date of consolidation, and alter the provisions of the mortgage and the agreement for sale so that the consolidated indebtedness with interest may be repayable in annual instalments for the balance of the term of the mortgage and agreement for sale or for such longer term as the Corporation deems proper.

Consolidation of  
indebtedness

(4) Subsection 6 of the said section 16 is amended by striking out "65" in the fifth line and inserting in lieu thereof "80", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 198, s. 16,  
subs. 6,  
amended

- (6) Where a loan has been made under this Act and the borrower applies for an increase in the loan upon the same security, the Corporation may, if it is satisfied that the conditions of this Act and the regulations have been complied with, make a new loan to the applicant to the extent of 80 per cent of the value of the security as shown by the valuator's report.

Increase  
in loans

9. Section 18 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 198, s. 18,  
re-enacted

18. It shall be a term of a mortgage taken as security for a loan under this Act that, at the option of the Corporation, the mortgage shall immediately become due and payable where,

Sale of  
mortgaged  
land

- (a) the land or any part thereof is sold or otherwise disposed of;
- (b) an agreement is made for the sale of the land or any part thereof;
- (c) the junior farmer in respect of whose application the loan was made ceases to farm on a full-time basis on the land; or

- (d) in the case of a family farm or incorporated family farm or farm operated by a partnership, the junior farmer in respect of whose application the loan was made ceases to comply with the Act and the regulations.

Term of  
mortgage

18a. It shall be a term of a mortgage that the operation of the farm in respect of which a loan is made shall be in accordance with sound farming practices and carried out with accurate records kept of the farm operation and, at the request of the Corporation, that the junior farmer participates in a farm management programme.

R.S.O. 1960,  
c. 198, s. 23,  
amended

10.—(1) Section 23 of *The Junior Farmer Establishment Act* is amended by striking out “governing” in the second line and inserting in lieu thereof “respecting”, so that the section, exclusive of the clauses, shall read as follows:

Regulations

23. The Lieutenant Governor in Council may make regulations respecting,

. . . . .

R.S.O. 1960,  
c. 198, s. 23,  
amended

(2) The said section 23 is further amended by adding thereto the following clauses:

- (da) the information to be furnished to the Corporation in respect of the ownership and operation of any farm;
- (db) the prescribing and use of forms;
- (dc) the terms and conditions for the making of bank loans;
- (dd) insurance on the life of a borrower.

R.S.O. 1960,  
c. 198,  
amended

11. *The Junior Farmer Establishment Act* is amended by adding thereto the following section:

Guarantee  
of bank  
loans

26.—(1) The Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee payment of losses sustained by a chartered bank as a result of loans made to junior farmers for the establishment, development and operation of their farms, in an amount not to exceed 10 per cent of the aggregate principal amount of the bank loans, where,

- (a) the junior farmer has a loan from the Corporation;



- (b) the bank loan was made pursuant to an application by the borrower in the form prescribed by the Corporation, stating the purpose of the bank loan;
  - (c) an officer of the bank certifies that he has scrutinized and checked the application for the bank loan with the care required of him by the bank in the conduct of its ordinary business;
  - (d) the principal amount of the bank loan at the time of its making, together with the amount owing in respect of other bank loans guaranteed under this Act previously made to the borrower and disclosed in his application or of which the bank had knowledge,
    - (i) where the farm is owned by a junior farmer or his spouse, or both of them, or by a partnership, did not exceed the sum of \$5,000, or
    - (ii) where the farm is a family farm or an incorporated family farm, did not exceed the sum of \$10,000; and
  - (e) the bank loan was repayable in full by the terms thereof in not more than ten years and the rate of interest charged by the bank on the loan did not exceed the current rates of interest.
- (2) The form and manner of the guarantee shall be such <sup>Form of guarantee</sup> as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loss thereon guaranteed according to the terms of the guarantee.
- (3) The Lieutenant Governor in Council may make <sup>Payment of guarantee</sup> arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.
- (4) A claim for loss by a bank in respect of the amount <sup>Idem</sup> guaranteed shall be made to the Treasurer not sooner than ninety days nor later than one year after the entire amount of the loan becomes due and payable.

**Commence-  
ment**

**12.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**13.** This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1962-63*.

THE UNIVERSITY OF MICHIGAN  
 LIBRARY

THE UNIVERSITY OF MICHIGAN LIBRARY

THE UNIVERSITY OF MICHIGAN  
 LIBRARY

An Act to amend  
The Junior Farmer Establishment Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 3rd, 1963

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MR. STEWART

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# **BILL 44**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Representation Act**

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**MR. ROBERTS**

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Bill of the Legislature of the Province of Ontario  
in the 24th Session of the 10th Parliament

Bill to amend the Metropolitan Toronto Act, 1953

#### EXPLANATORY NOTE

The purpose of this Bill is to replace the present six ridings in Metropolitan Toronto outside the City of Toronto with sixteen new ridings, effective upon the dissolution of the present Legislature.

BILL 44

1962-63

## An Act to amend The Representation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Representation Act* is amended by <sup>R.S.O. 1960, c. 353, s. 2, amended</sup> striking out "ninety-eight" in the second line and inserting in lieu thereof "108", so that the section shall read as follows:

2. The Legislative Assembly of Ontario shall consist of <sup>Number of members</sup> 108 members.

2. The Schedule to *The Representation Act* is amended by <sup>R.S.O. 1960, c. 353, Sched., amended</sup> striking out the following electoral districts:

The Electoral District of York Centre

The Electoral District of York East

The Electoral District of York-Humber

The Electoral District of York-Scarborough

The Electoral District of York South

The Electoral District of York West,

and by adding thereto the following electoral districts:

THE ELECTORAL DISTRICT OF BATHURST—to consist of that portion of the Township of North York lying east of the centre line of Bathurst Street and west of the centre line of Yonge Street.

THE ELECTORAL DISTRICT OF DON MILLS—to consist of that portion of the Township of North York lying south of the centre line of Lawrence Avenue East and that portion of the Township of East York lying east of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre

line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.

THE ELECTORAL DISTRICT OF DOWNSVIEW—to consist of that portion of the Township of North York lying east of the centre line of Keele Street and west of the centre line of Bathurst Street.

THE ELECTORAL DISTRICT OF ETOBICOKE NORTH—to consist of all that portion of the Township of Etobicoke lying north of the centre line of Richview Side Road and its easterly production to the centre line of the Humber River.

THE ELECTORAL DISTRICT OF ETOBICOKE SOUTH—to consist of all that portion of the Township of Etobicoke lying south of the centre line of Richview Side Road and its easterly production to the centre line of the Humber River, and north of the centre line of Old Mill Road, Bloor Street West, and its production westerly to the centre line of the Etobicoke River.

THE ELECTORAL DISTRICT OF FOREST HILL—to consist of the Village of Forest Hill and that portion of the Township of York lying east of the centre line of Dufferin Street.

THE ELECTORAL DISTRICT OF HUMBER—to consist of the Village of Swansea, the Town of Mimico and that portion of the Township of York lying south of a line located as follows: Commencing at the intersection of the centre line of Dundas Street West with the west boundary of the Township of York; thence easterly along the said centre line of Dundas Street West to the intersection with the centre line of Scarlett Road; thence northerly along the said centre line of Scarlett Road to the intersection with the centre line of St. Clair Avenue West; thence easterly along the said centre line of St. Clair Avenue West to the intersection with the east boundary of the Township of York, and that portion of the Township of Etobicoke lying east of and south of a line located as follows: Commencing at the northwest corner of the Town of Mimico; thence northerly along the northerly production of the west boundary of the Town of Mimico to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line of the Queen Elizabeth Way to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road to the intersection with the westerly production of the centre line of Sunnydale Drive; thence easterly along the said westerly production and the centre line of Sunnydale Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the said centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence easterly along the said centre line of Bloor Street West to the intersection with the centre line of Old Mill Road; thence easterly along the said centre line of Old Mill Road to the intersection with the easterly boundary of the Township of Etobicoke.

THE ELECTORAL DISTRICT OF LAKESHORE—to consist of all that portion of the Township of Etobicoke, Village of Long Branch, Town of New Toronto, described as follows: Commencing at the southeasterly corner of the Town of New Toronto; thence northerly along the easterly boundary and the boundary produced of the Town of New Toronto to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road



to the intersection with the westerly production of the centre line of Sunnyside Drive; thence easterly along the said production of the centre line of Sunnyside Drive and the centre line of Sunnyside Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence westerly along the said centre line of Bloor Street West and its westerly production to the centre line of the Etobicoke River; thence in a general southerly direction following the said centre line of the Etobicoke River to the waters of Lake Ontario; thence easterly along the waters of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF LEASIDE—to consist of the Town of Leaside and that portion of the Township of East York lying west of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—to consist of that portion of the Township of Scarborough lying south of Lawrence Avenue East, west of Markham Road and its southerly production to the waters of Lake Ontario, and east of a line located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—to consist of all that portion of the Township of Scarborough lying east of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line to the centre line of the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—to consist of all that portion of the Township of Scarborough lying north of the centre line of Lawrence Avenue East and west of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line of Markham Road to the intersection with the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road to the intersection with the centre line of Lawrence Avenue East.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—to consist of that portion of the Township of Scarborough lying south of the centre line of Lawrence Avenue East and west of a line

located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF WESTON—to consist of the Town of Weston, and that portion of the Township of York lying west of the centre line of Dufferin Street, and north of a line located as follows: Commencing at the intersection of the centre line of Dufferin Street with the south boundary of the Township of York; thence westerly and southerly along the said south boundary of the Township of York to the intersection with the centre line of St. Clair Avenue West; thence westerly along the said centre line of St. Clair Avenue West to the intersection with the centre line of Scarlett Road; thence southerly along the said centre line of Scarlett Road to the intersection with the centre line of Dundas Street West; thence westerly along the said centre line of Dundas Street West to the intersection with the west boundary of the Township of York.

THE ELECTORAL DISTRICT OF WESTVIEW—to consist of that portion of the Township of North York lying west of the centre line of Keele Street.

THE ELECTORAL DISTRICT OF YORK MILLS—to consist of that portion of the Township of North York lying east of the centre line of Yonge Street and north of the centre line of Lawrence Avenue East.

Commence-  
ment

**3.** This Act comes into force and has effect from and after the dissolution or end of the present Legislature.

Short title

**4.** This Act may be cited as *The Representation Amendment Act, 1962-63*.



Received of the Treasurer of the  
City of New York

the sum of Five Hundred Dollars

for the purchase of  
the sum of Five Hundred Dollars

RECEIVED

An Act to amend  
The Representation Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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# BILL 44

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Representation Act

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MR. ROBERTS

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*(Reprinted as amended by the Committee on Privileges and Elections)*

THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO  
 Session of 1911-12

THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO

**EXPLANATORY NOTE**

The purpose of this Bill is to replace the present six ridings in Metropolitan Toronto outside the City of Toronto with sixteen new ridings, effective upon the dissolution of the present Legislature.

BILL 44

1962-63

## An Act to amend The Representation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Representation Act* is amended by <sup>R.S.O. 1960, c. 353, s. 2, amended</sup> striking out "ninety-eight" in the second line and inserting in lieu thereof "108", so that the section shall read as follows:

2. The Legislative Assembly of Ontario shall consist of <sup>Number of members</sup> 108 members.

2. The Schedule to *The Representation Act* is amended by <sup>R.S.O. 1960, c. 353, Sched., amended</sup> striking out the following electoral districts:

The Electoral District of York Centre

The Electoral District of York East

The Electoral District of York-Humber

The Electoral District of York-Scarborough

The Electoral District of York South

The Electoral District of York West,

and by adding thereto the following electoral districts:

THE ELECTORAL DISTRICT OF ARMOURDALE—to consist of that portion of the Township of North York lying east of the centre line of Bathurst Street and west of the centre line of Yonge Street.

THE ELECTORAL DISTRICT OF DON MILLS—to consist of that portion of the Township of North York lying south of the centre line of Lawrence Avenue East and that portion of the Township of East York lying east of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre



line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.

THE ELECTORAL DISTRICT OF DOWNSVIEW—to consist of that portion of the Township of North York lying east of the centre line of Keele Street and west of the centre line of Bathurst Street.

THE ELECTORAL DISTRICT OF ETOBICOKE—to consist of all that portion of the Township of Etobicoke lying north of the centre line of Richview Side Road and its easterly production to the centre line of the Humber River.

THE ELECTORAL DISTRICT OF FOREST HILL—to consist of the Village of Forest Hill and that portion of the Township of York lying east of the centre line of Dufferin Street.

THE ELECTORAL DISTRICT OF HUMBER—to consist of the Village of Swansea, the Town of Mimico and that portion of the Township of York lying south of a line located as follows: Commencing at the intersection of the centre line of Dundas Street West with the west boundary of the Township of York; thence easterly along the said centre line of Dundas Street West to the intersection with the centre line of Scarlett Road; thence northerly along the said centre line of Scarlett Road to the intersection with the centre line of St. Clair Avenue West; thence easterly along the said centre line of St. Clair Avenue West to the intersection with the east boundary of the Township of York, and that portion of the Township of Etobicoke lying east of and south of a line located as follows: Commencing at the northwest corner of the Town of Mimico; thence northerly along the northerly production of the west boundary of the Town of Mimico to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line of the Queen Elizabeth Way to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road to the intersection with the westerly production of the centre line of Sunnydale Drive; thence easterly along the said westerly production and the centre line of Sunnydale Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the said centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence easterly along the said centre line of Bloor Street West to the intersection with the easterly boundary of the Township of Etobicoke.

THE ELECTORAL DISTRICT OF LAKESHORE—to consist of all that portion of the Township of Etobicoke, Village of Long Branch, Town of New Toronto, described as follows: Commencing at the southeasterly corner of the Town of New Toronto; thence northerly along the easterly boundary and the boundary produced of the Town of New Toronto to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road to the intersection with the westerly production of the centre line of Sunnydale Drive; thence easterly along the said production of the centre line of Sunnydale Drive and the centre line of Sunnydale Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence westerly along the said centre line of Bloor Street West and its westerly production to the centre line of the Etobicoke

River; thence in a general southerly direction following the said centre line of the Etobicoke River to the waters of Lake Ontario; thence easterly along the waters of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—to consist of that portion of the Township of Scarborough lying south of Lawrence Avenue East, west of Markham Road and its southerly production to the waters of Lake Ontario, and east of a line located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—to consist of all that portion of the Township of Scarborough lying east of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line to the centre line of the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—to consist of all that portion of the Township of Scarborough lying north of the centre line of Lawrence Avenue East and west of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line of Markham Road to the intersection with the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road to the intersection with the centre line of Lawrence Avenue East.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—to consist of that portion of the Township of Scarborough lying south of the centre line of Lawrence Avenue East and west of a line located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF YORK EAST—to consist of the Town of Leaside and that portion of the Township of East York lying west of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.



THE ELECTORAL DISTRICT OF YORK MILLS—to consist of that portion of the Township of North York lying east of the centre line of Yonge Street and north of the centre line of Lawrence Avenue East.

THE ELECTORAL DISTRICT OF YORK SOUTH—to consist of the Town of Weston, and that portion of the Township of York lying west of the centre line of Dufferin Street, and north of a line located as follows: Commencing at the intersection of the centre line of Dufferin Street with the south boundary of the Township of York; thence westerly and southerly along the said south boundary of the Township of York to the intersection with the centre line of St. Clair Avenue West; thence westerly along the said centre line of St. Clair Avenue West to the intersection with the centre line of Scarlett Road; thence southerly along the said centre line of Scarlett Road to the intersection with the centre line of Dundas Street West; thence westerly along the said centre line of Dundas Street West to the intersection with the west boundary of the Township of York.

THE ELECTORAL DISTRICT OF YORK WEST—to consist of all that portion of the Township of Etobicoke bounded on the north by the centre line of Richview Side Road and its easterly production to the east limit of the Township and bounded on the south by a line drawn as follows: Commencing at a point in the west limit of the Township where it is intersected by the centre line of the Canadian Pacific Railway right-of-way; thence northeasterly along the centre line of the said Railway right-of-way to its intersection with the centre line of Bloor Street West; thence easterly along the centre line of Bloor Street West to the east limit of the Township.

THE ELECTORAL DISTRICT OF YORKVIEW—to consist of that portion of the Township of North York lying west of the centre line of Keele Street.

Commence-  
ment

3. This Act comes into force and has effect from and after the dissolution or end of the present Legislature.

Short title

4. This Act may be cited as *The Representation Amendment Act, 1962-63*.

and having the same number of pages  
 as the original and the same

and the same number of pages as the original and the same

Name of the person	Date of birth	Date of death	Place of birth	Place of death	Cause of death	Date of burial	Place of burial	Remarks
John Doe	1850	1900	New York	New York	Old age	1900	New York	
Jane Doe	1855	1905	New York	New York	Old age	1905	New York	
John Doe	1860	1910	New York	New York	Old age	1910	New York	
Jane Doe	1865	1915	New York	New York	Old age	1915	New York	
John Doe	1870	1920	New York	New York	Old age	1920	New York	
Jane Doe	1875	1925	New York	New York	Old age	1925	New York	

100/100

An Act to amend  
The Representation Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

February 20th, 1963

*3rd Reading*

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MR. ROBARTS

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(Reprinted as amended by the  
Committee on Privileges and Elections)



# **BILL 44**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Representation Act**

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**MR. ROBERTS**

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THE HOUSE OF REPRESENTATIVES  
JANUARY 11, 1905

AN ACT TO AMEND THE REVENUE ACT

THE HOUSE

## BILL 44

1962-63

## An Act to amend The Representation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Representation Act* is amended by striking out "ninety-eight" in the second line and inserting in lieu thereof "108", so that the section shall read as follows: R.S.O. 1960,  
c. 353, s. 2,  
amended

2. The Legislative Assembly of Ontario shall consist of 108 members. Number of  
members

2. The Schedule to *The Representation Act* is amended by striking out the following electoral districts: R.S.O. 1960,  
c. 353,  
Sched.,  
amended

The Electoral District of York Centre

The Electoral District of York East

The Electoral District of York-Humber

The Electoral District of York-Scarborough

The Electoral District of York South

The Electoral District of York West,

and by adding thereto the following electoral districts:

THE ELECTORAL DISTRICT OF ARMOURDALE—to consist of that portion of the Township of North York lying east of the centre line of Bathurst Street and west of the centre line of Yonge Street.

THE ELECTORAL DISTRICT OF DON MILLS—to consist of that portion of the Township of North York lying south of the centre line of Lawrence Avenue East and that portion of the Township of East York lying east of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre

line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.

THE ELECTORAL DISTRICT OF DOWNSVIEW—to consist of that portion of the Township of North York lying east of the centre line of Keele Street and west of the centre line of Bathurst Street.

THE ELECTORAL DISTRICT OF ETOBICOKE—to consist of all that portion of the Township of Etobicoke lying north of the centre line of Richview Side Road and its easterly production to the centre line of the Humber River.

THE ELECTORAL DISTRICT OF FOREST HILL—to consist of the Village of Forest Hill and that portion of the Township of York lying east of the centre line of Dufferin Street.

THE ELECTORAL DISTRICT OF HUMBER—to consist of the Village of Swansea, the Town of Mimico and that portion of the Township of York lying south of a line located as follows: Commencing at the intersection of the centre line of Dundas Street West with the west boundary of the Township of York; thence easterly along the said centre line of Dundas Street West to the intersection with the centre line of Scarlett Road; thence northerly along the said centre line of Scarlett Road to the intersection with the centre line of St. Clair Avenue West; thence easterly along the said centre line of St. Clair Avenue West to the intersection with the east boundary of the Township of York, and that portion of the Township of Etobicoke lying east of and south of a line located as follows: Commencing at the northwest corner of the Town of Mimico; thence northerly along the northerly production of the west boundary of the Town of Mimico to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line of the Queen Elizabeth Way to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road to the intersection with the westerly production of the centre line of Sunnysdale Drive; thence easterly along the said westerly production and the centre line of Sunnysdale Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the said centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence easterly along the said centre line of Bloor Street West to the intersection with the easterly boundary of the Township of Etobicoke.

THE ELECTORAL DISTRICT OF LAKESHORE—to consist of all that portion of the Township of Etobicoke, Village of Long Branch, Town of New Toronto, described as follows: Commencing at the southeasterly corner of the Town of New Toronto; thence northerly along the easterly boundary and the boundary produced of the Town of New Toronto to the intersection with the centre line of the Queen Elizabeth Way; thence easterly along the said centre line to the intersection with the centre line of Royal York Road; thence northerly along the said centre line of Royal York Road to the intersection with the westerly production of the centre line of Sunnysdale Drive; thence easterly along the said production of the centre line of Sunnysdale Drive and the centre line of Sunnysdale Drive to the intersection with the centre line of Prince Edward Drive; thence northerly along the centre line of Prince Edward Drive to the intersection with the centre line of Bloor Street West; thence westerly along the said centre line of Bloor Street West to its intersection with the centre line of the Canadian Pacific Railway right-of-way; thence southwesterly to the



centre line of the Etobicoke River; thence in a general southerly direction following the said centre line of the Etobicoke River to the waters of Lake Ontario; thence easterly along the waters of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—to consist of that portion of the Township of Scarborough lying south of Lawrence Avenue East, west of Markham Road and its southerly production to the waters of Lake Ontario, and east of a line located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—to consist of all that portion of the Township of Scarborough lying east of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line to the centre line of the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—to consist of all that portion of the Township of Scarborough lying north of the centre line of Lawrence Avenue East and west of a line located as follows: Commencing at the intersection of the centre line of Markham Road with the north boundary of the Township of Scarborough; thence southerly along the said centre line of Markham Road to the intersection with the cut-off for Markham Road at Finch Avenue; thence southerly and southwesterly along the said centre line of the cut-off to the centre line of Markham Road; thence southerly along the said centre line of Markham Road to the intersection with the centre line of Lawrence Avenue East.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—to consist of that portion of the Township of Scarborough lying south of the centre line of Lawrence Avenue East and west of a line located as follows: Commencing at the intersection of the centre line of Lawrence Avenue East with the centre line of Kennedy Road; thence southerly along the said centre line of Kennedy Road and its southerly production to the centre line of Triangle Villas Road; thence southerly along the said centre line of Triangle Villas Road and its southerly production to the centre line of Wynnview Court; thence southerly along the said centre line of Wynnview Court and its southerly production to the waters of Lake Ontario.

THE ELECTORAL DISTRICT OF YORK EAST—to consist of the Town of Leaside and that portion of the Township of East York lying west of a line located as follows: Commencing at the intersection of the centre line of Woodbine Avenue with the south boundary of the Township of East York; thence northerly along the said centre line of Woodbine Avenue and its northerly production to the centre line of Woodbine Heights; thence northerly along the said centre line of Woodbine Heights and its northerly production to the intersection with the north boundary of the Township of East York.



THE ELECTORAL DISTRICT OF YORK MILLS—to consist of that portion of the Township of North York lying east of the centre line of Yonge Street and north of the centre line of Lawrence Avenue East.

THE ELECTORAL DISTRICT OF YORK SOUTH—to consist of the Town of Weston, and that portion of the Township of York lying west of the centre line of Dufferin Street, and north of a line located as follows: Commencing at the intersection of the centre line of Dufferin Street with the south boundary of the Township of York; thence westerly and southerly along the said south boundary of the Township of York to the intersection with the centre line of St. Clair Avenue West; thence westerly along the said centre line of St. Clair Avenue West to the intersection with the centre line of Scarlett Road; thence southerly along the said centre line of Scarlett Road to the intersection with the centre line of Dundas Street West; thence westerly along the said centre line of Dundas Street West to the intersection with the west boundary of the Township of York.

THE ELECTORAL DISTRICT OF YORK WEST—to consist of all that portion of the Township of Etobicoke bounded on the north by the centre line of Richview Side Road and its easterly production to the east limit of the Township and bounded on the south by a line drawn as follows: Commencing at a point in the west limit of the Township where it is intersected by the centre line of the Canadian Pacific Railway right-of-way; thence northeasterly along the centre line of the said Railway right-of-way to its intersection with the centre line of Bloor Street West; thence easterly along the centre line of Bloor Street West to the east limit of the Township.

THE ELECTORAL DISTRICT OF YORKVIEW—to consist of that portion of the Township of North York lying west of the centre line of Keele Street.

Commence-  
ment

**3.** This Act comes into force and has effect from and after the dissolution or end of the present Legislature.

Short title

**4.** This Act may be cited as *The Representation Amendment Act, 1962-63*.

THE ... OF ...

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An Act to amend  
The Representation Act

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*1st Reading*

February 5th, 1963

*2nd Reading*

February 20th, 1963

*3rd Reading*

April 3rd, 1963

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MR. ROBARTS

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# BILL 45

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Registry Act

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MR. CASS

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#### EXPLANATORY NOTES

GENERAL. This Bill contains the first group of a series of amendments designed to modernize the Act. The complete revision of the Act will be accomplished in this way over a period of years.

SECTION 1. These definitions are added for purposes of convenience.

SECTION 2. The new subsection 3 will permit more efficient administration.

SECTIONS 3 and 4. These amendments transfer the form of oath of registrars and deputy registrars from the Act to the regulations and require it to be filed with the Inspector of Legal Offices instead of the Provincial Secretary.



BILL 45

1962-63

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 348, s. 1,  
amended

(ea) "local description" means a description of land drawn in accordance with the regulations;

. . . . .

(ga) "prescribed" means prescribed by this Act or the regulations;

(gb) "registered" means registered under this Act;

(gc) "regulations" means the regulations made under this Act;

(gd) "surveyor" means an Ontario land surveyor authorized to practise under *The Surveyors Act*.

R.S.O. 1960,  
c. 389

2. Section 5 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 5,  
amended

(3) Notwithstanding subsection 1, where a county or district court house or administration building is outside the county or district town, the registry office for a registry division that includes the whole or part of the county or district town may, with the approval of the Lieutenant Governor in Council, be situated in the court house or administration building. Idem

3. Section 11 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 11,  
repealed

4. Section 13 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 13,  
re-enacted

Oath of  
office,  
registrar

13. Every registrar and deputy registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Inspector.

R.S.O. 1960,  
c. 348, s. 14,  
subs. 3,  
repealed

5. Subsection 3 of section 14 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 17,  
re-enacted

6. Section 17 of *The Registry Act* is repealed and the following substituted therefor:

Abstracts

- 17.—(1) Upon receipt of a request therefor and the prescribed fees, a registrar shall furnish an abstract in the prescribed form in respect of any land that is in his registry division and,

(a) that consists of a lot as described in a patent from the Crown or a lot that appears on a registered plan; or

(b) that consists of an identifiable part of such a lot.

What not  
to be  
included

- (2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract,

(a) an extract of any instrument that has been marked off the abstract index pursuant to section 73; or

(b) an extract of any mortgage, certificate of *lis pendens* or claim for mechanics' lien that was registered before the 1st day of January, 1890, where an instrument purporting to discharge or vacate such a mortgage, certificate or claim was registered ten or more years before the date of the request; or

(c) an extract of any instrument dealing exclusively with a mortgage, certificate of *lis pendens* or claim for mechanics' lien mentioned in clause b.

Idem, on  
request

- (3) Where a request for an abstract so specifies, the registrar shall not include in the abstract,

(a) an extract of a mortgage or of any other instrument dealing exclusively with the mortgage where an instrument purporting to be a discharge of the mortgage has been registered; or

SECTION 5. This provision, which prohibits registry office personnel from practising law or medicine, is repealed. The subject-matter will appear in the regulations.

SECTION 6. The intent is clarified.

SECTION 7—Subsection 1. This provision, which deals with the size, etc., of registry office books, is obsolete. It is therefore repealed. The subject-matter will be covered in the regulations.

Subsection 2. Subsections 5, 5a, 5b and 6 bring the Act into line with existing practices.



- (b) an extract of any other class of instrument mentioned in the request.
- (4) Unless otherwise specified in the request for an abstract, the first instrument to be extracted for the abstract shall be,
  - (a) the last conveyance registered next before the date forty years before the date of the request; or
  - (b) where there is a certificate of title registered under *The Quieting Titles Act*, such certificate, R.S.O. 1960, c. 340 or
  - (c) where there is a certificate of title registered under *The Certification of Titles Act*, the first instrument registered after the effective date of the certificate; or R.S.O. 1960, c. 48
  - (d) where there is a tax deed registered against the land, such tax deed.
- (5) Where no conveyance of the type mentioned in subsection 4 was registered after the grant of the land from the Crown, the first instrument to be extracted for the abstract shall be the Crown grant. Crown grant
- (6) Except as provided in subsections 2 and 3, an abstract shall include extracts of all instruments affecting the land that were registered after the first instrument mentioned in subsection 4 or after the Crown grant mentioned in subsection 5 and that have been recorded in the abstract index for the land. Subsequent instruments
- 17a. Upon receipt of a request in writing and the prescribed fees, a registrar, Production of instruments, etc., copies
  - (a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to any such instrument; and
  - (b) shall supply a copy of the whole or a part of any instrument registered in his office.

7.—(1) Subsection 2 of section 20 of *The Registry Act* is repealed. R.S.O. 1960, c. 348, s. 20, subs. 2, repealed

(2) Subsections 5 and 6 of the said section 20 are repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 20, subs. 5, 6, re-enacted



By-law  
index

- (5) The registrar shall keep a by-law index in which he shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law.

By-law to  
contain  
description  
of land,  
exception

- (5a) No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected.

Authentica-  
tion of  
by-laws

- (5b) A by-law of a municipality may be registered by the production of a duplicate original or a copy of the by-law certificated by the clerk of the municipality under its seal.

No entry of  
by-law in  
general  
register

- (6) No entry in respect of a by-law shall be made in the general register.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8,  
re-enacted

- (3) Subsection 8 of the said section 20 is repealed and the following substituted therefor:

General  
register

- (8) The following instruments may be recorded in the general register:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.
6. Powers of attorney.
7. Certificates or copies of orders made under *The Mental Incompetency Act*.
8. General certificates of payment of succession duties.
9. General bars of dower.
10. Sworn copies of licences in mortmain.
11. Certificates of amalgamation of corporations.

R.S.O. 1960,  
c. 237

Subsection 3. The provision is re-designed for clarity. Items 9, 10, 12 and 13 are new; item 11 is broadened.

SECTION 8. Section 23 is obsolete; it is therefore repealed.

Section 24 is administrative; the subject-matter will be dealt with in the regulations.

SECTION 9—Subsection 1. The provision is brought into line with section 20 of the Act as amended by section 7 (1) of this Bill.

Subsection 2. This matter heretofore was dealt with in section 99 (j) of the Act. It is now put in a more appropriate place.

SECTION 10. A reference to a section repealed by section 8 of the Bill is deleted.

SECTION 11. The effect of this amendment will be to transfer the form of the abstract index book from the Act to the regulations.

12. Sworn copies of supplementary letters patent changing names of corporations.
  13. Orders in Council or certified copies thereof.
  14. Claims for lien under *The Mechanics' Lien Act* R.S.O. 1960, c. 233 against land that constitutes the line of railway or right of way of a railway company.
8. Sections 23 and 24 of *The Registry Act* are repealed. R.S.O. 1960, c. 348, ss. 23, 24, repealed
- 9.—(1) Subsection 1 of section 26 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 26, subs. 1, re-enacted
- (1) Where any book, from age or use, is becoming obliterated or unfit for further use, the Inspector may order it to be recopied so far as it can be deciphered by examination thereof and of the original instruments or memorials relating thereto. When any book becomes unfit for further use, copy to be made
  - (2) The said section 26 is amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 26, amended
  - (7) The Inspector may by order in writing determine the fee to be paid to the registrar for services performed under this section. Fee
10. Section 27 of *The Registry Act* is amended by striking out "sections 24 and" in the second line and inserting in lieu thereof "section", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 27, amended
27. Subject to section 28, the fees and expenses for services rendered under section 26 shall be paid by the treasurer of the county, and a town separated from the county for municipal purposes and a city for which there is not a separate registry office shall pay to the county such equitable proportion thereof as the Inspector shall direct. Payment for services under s. 26
11. Subsection 1 of section 29 of *The Registry Act* is amended by striking out "(Form 3)" in the first line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 1, amended
- (1) The registrar, in a book in the prescribed form, called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any registered plan of the subdivision of such land into smaller sections or lots. Abstract index of lots



R.S.O. 1960, c. 348, s. 30, re-enacted **12.** Section 30 of *The Registry Act* is repealed and the following substituted therefor:

Alphabetical index

30. Subject to the regulations, the registrar shall keep an alphabetical index of names in the prescribed form and containing such information as is prescribed.

R.S.O. 1960, c. 348, s. 33, subss. 1, 2, re-enacted; subss. 3-6, repealed

**13.** Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor:

Local description required

(1) Except as provided by subsections 5a and 8 of section 20, an instrument that does not contain a local description of the land affected thereby shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description.

Registration of declaration as to lands affected

(2) A registered instrument may be recorded or further recorded in the abstract index by the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1.

R.S.O. 1960, c. 348, s. 34, subs. 1, re-enacted

**14.** Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor:

Where affidavit of witness required

(1) No instrument, except a will, a grant or lease from the Crown, an Order in Council, an instrument under seal executed by an officer of the Government of Ontario, a by-law or an instrument under the seal of a corporation, a certificate of judicial proceedings, a consent of a planning board under section 26 of *The Planning Act*, or an instrument that may be registered by deposit of a certified copy, shall be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed it.

R.S.O. 1960, c. 296

R.S.O. 1960, c. 348, s. 35, re-enacted

**15.** Section 35 of *The Registry Act* is repealed and the following substituted therefor:



SECTION 12. Same as section 11 of the Bill, with respect to the alphabetical index.

SECTION 13. The solicitor for a party is added to the group that may make a declaration describing the land affected by an instrument.

In addition, a number of changes in language have been made to clarify the intent.

SECTION 14. The present provision sets out the contents of the form; this feature is being transferred to the regulations.

SECTION 15. The present provision sets out the contents of the form; this feature is being transferred to the regulations.

SECTION 16. The scope of the section is widened.

SECTION 17. The section is recast for clarity. Clause (b) is new. Subsection 2 is self-explanatory.

SECTION 18. The section is re-enacted for clarity and to avoid a conflict with or duplication of section 17a (b), as enacted by section 6 of this Bill, and section 19 (1) of the Act.

35. An instrument not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of goods or in respect of an advance or loan of money, shall not be registered unless an affidavit in the prescribed form is made on or securely attached to the instrument.

Affidavit of execution in case of instruments given in respect of purchase or delivery of goods

16. Section 40 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 40, re-enacted.

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall register the instrument and certificate.

Where affidavit of witness not required

17. Section 42 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 42, re-enacted

- 42.—(1) A judgment or order of a court or judge affecting land may be registered in the registry office of the registry division in which the land is situate by registering therein,

Judgments and orders affecting land

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(b) a copy of the judgment or order certified as such by the proper officer of the court.

- (2) No judgment or final order of foreclosure of a mortgage shall be registered except by way of a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of the mortgage.

Number of mortgage to be included in certificate of foreclosure

18. Section 43 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 43, re-enacted

Registration  
of certified  
copies,  
powers of  
attorney,  
etc.

43. There may be registered,

- (a) a copy of an instrument certified under the hand and seal of the registrar, proper master of titles or clerk of a county or district court in whose office the instrument is registered; or
- (b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited.

R.S.O. 1960,  
c. 348, s. 48,  
re-enacted

19. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

Mortgages  
not to be  
recorded  
in full

48.—(1) Notwithstanding section 47 and except as otherwise provided in subsections 2 and 3, it is not necessary to record in full in the registry book a registered mortgage that has endorsed upon it the words "Not to be recorded in full".

Entry in  
copy book

- (2) Where a mortgage has been registered in a registry office for a registry division other than a registry division designated under section 32, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt which have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent  
registry  
in full

- (3) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.





SECTION 19. Recognition is given to the fact that most registry offices are now using microfilm equipment instead of copy books for recording instruments.





SECTIONS 20 and 21. The forms are transferred from the Act to the regulations and the intent is clarified.

SECTION 22. The duties of the registrar and the manner of determining priorities are clarified.

- (4) Any mortgage of land in a registry division designated under section 32 shall be completely recorded on photographic film where the mortgage is registered after the 1st day of January, 1963, or after such designation, whichever is the later. Recording mortgage on photographic film
- (5) For the purposes of this section, a deed of trust and mortgage and any supplemental indenture shall be deemed to be a mortgage and to be endorsed "Not to be recorded in full". Bond mortgages
- 48a. Notwithstanding anything in this Act, it is not necessary to record an instrument in any registry book if the instrument is completely recorded on photographic film. Where recording in copy book, etc., not required
20. Subsection 1 of section 49 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 49, subs. 1, re-enacted
- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall, if the instrument is otherwise capable of registration, register it. Registration of power of attorney when executed by attorney
21. Section 50 of *The Registry Act* is amended by striking out "(Form 8)" in the third line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 50, amended
50. Where an instrument in two or more original parts is registered, the registrar shall endorse upon each of the parts a certificate of the registration in the prescribed form, and any part so certified shall be received as *prima facie* evidence of the registration of the instrument and of the due execution of the same. Instrument in two or more parts
22. Sections 54 and 55 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, ss. 54, 55, re-enacted

Registration  
numbers

54.—(1) Except as provided by subsection 5, all instruments shall be numbered consecutively in order of time of being registered.

## Idem

(2) Where two or more instruments affecting the same land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received.

Time of  
receipt

(3) The year, month, day, hour and minute at which an instrument is registered shall be endorsed thereon.

Priorities,  
how  
established

(4) For the purpose of section 77, priorities shall, subject to subsection 5, be determined in accordance with the respective registration numbers.

## Idem

(5) A separate series of registration numbers shall be used for plans of subdivision and for any other class of instrument that may be approved by the Inspector, and, for the purposes of section 77, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon.

Manner of  
registration

55.—(1) Upon registration of an instrument, the registrar,

(a) shall cause to be endorsed upon it and upon the duplicate thereof, if any, received with it a certificate in the prescribed form; and

(b) shall cause it to be recorded;

(i) on photographic film or in the proper registry book, and

(ii) in the proper abstract index, or in the general register index, or in the by-law index, and

(iii) subject to the regulations, in the alphabetical index.

Certificate  
proof of  
registration

(2) A certificate endorsed upon an instrument or duplicate under clause *a* of subsection 1 is receivable by any court as proof of registration of the instrument.

Custody of  
registered  
instruments

(3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 19, section 74 and the regulations, shall be retained in the custody of the registrar in his office.

Exception  
as to plans

(4) Subclauses *i* and *iii* of clause *b* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan.





SECTION 23. The intent is clarified.

SECTION 24. The cross-references are corrected.

SECTION 25. The sections repealed are obsolete. They deal with instruments executed before January 1, 1866.

SECTIONS 26, 27, 28, 29. The forms are being transferred from the Act to the regulations.



**23.** Section 57 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 57,  
re-enacted

57.—(1) Where by any Act of Canada or Ontario an Order in Council or a certified copy thereof is required to be registered or deposited in a registry office, the Order or certified copy may be registered and recorded in the general register. Orders in  
Council

(2) Where an Order in Council or certified copy registered and recorded under subsection 1 contains a local description, it shall also be recorded in the abstract index. Idem

**24.**—(1) Subsection 6 of section 61 of *The Registry Act* is amended by striking out "section 43" in the fourth line and inserting in lieu thereof "subsection 1 of section 19", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 6,  
amended

(6) Where a notice of sale or a certificate of a judge under subsection 4 or 5 has been registered, the notice or certificate may be registered in any other registry office by depositing a copy thereof, certified in the manner provided by subsection 1 of section 19. Other  
registry  
offices

(2) Subsection 7 of the said section 61 is amended by striking out "pursuant to subsection 3 of section 48" in the sixth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 7,  
amended

(7) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has been registered "not in full" shall be registered until the mortgage and any assignment thereof has been duly registered and copied or reproduced in full. When mort-  
gage to be  
recorded  
in full

**25.** Sections 62 and 63 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348,  
ss. 62, 63,  
repealed

**26.** Subsection 3 of section 64 of *The Registry Act* is amended by striking out "(Form 8)" in the second line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 64,  
subs. 3,  
amended

(3) The registrar shall also endorse upon the original instrument a certificate of the re-registration in the prescribed form. Endorse-  
ment

**27.** Subsection 1 of section 65 of *The Registry Act* is amended by striking out "(Form 10)" in the second line and inserting in lieu thereof "of discharge of mortgage in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 65,  
subs. 1,  
amended

Discharge  
of mortgage

- (1) In the case of a registered mortgage, the registrar on receiving a certificate of discharge of mortgage in the prescribed form, executed by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, and duly proven in the manner provided for the proof of other instruments, shall register the certificate, and record it and every affidavit attached to or endorsed on it, at full length in the proper order, in the registry book, and number it in like manner as other instruments are required to be registered, recorded and numbered.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 2,  
amended

- 28.** Subsection 2 of section 71 of *The Registry Act* is amended by striking out "(Form 11)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

Form of  
certificate  
of discharge

- (2) After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

R.S.O. 1960,  
c. 348, s. 72,  
amended

- 29.** Section 72 of *The Registry Act* is amended by striking out "(Form 12)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows:

Discharge  
of instru-  
ment given  
in relation  
to purchase  
of goods

72. Instruments of the nature mentioned in section 35 may be discharged, and the land affected thereby released therefrom, by depositing in the proper registry office a certificate of discharge in the prescribed form.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 4,  
amended

- 30.** Subsection 4 of section 73 of *The Registry Act* is amended by striking out "wherever a mechanics' lien registered since the 1st day of January, 1890, has been registered for two years and no certificate of action has been registered as required by *The Mechanics' Lien Act*, and" in the fourth, fifth, sixth and seventh lines, so that the subsection shall read as follows:

Mechanics'  
liens

- (4) Where a mechanics' lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two or more years and

SECTION 30. The Act is brought into line with *The Mechanics' Lien Act*.

SECTION 31. Subsection 4 of section 75 of the Act is transferred to a more appropriate place in the Act.

Subsection 5 is obsolete; the subject-matter is now dealt with elsewhere in the Act.

SECTION 32. This new section is a temporary device to overcome certain strictures in the Act which will be removed as the over-all revision of the Act progresses.

SECTION 33. Self-explanatory.



wherever a mechanics' lien has been so registered and a certificate of action has also been registered and the certificate of action has been vacated or discharged and the order or certificate of order vacating or discharging it has been registered for two or more years, the registrar shall, wherever such mechanics' lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and the mechanics' lien is validly discharged and the certificate of action is duly vacated.

**31.** Subsections 4 and 5 of section 75 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348, s. 75,  
subss. 4, 5,  
repealed

**32.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

75a.—(1) Where any provision of this Act requires or permits the registration of a sworn or notarial copy of an instrument, the instrument may be registered instead of a copy. Sworn  
copies,  
notarial  
copies

(2) Where any provision of this Act permits the registration of a sworn copy of an instrument, a notarial copy of the instrument may be registered instead of a sworn copy. Idem

(3) Where any provision of this Act permits the registration of a notarial copy of an instrument, a sworn copy of the instrument may be registered instead of a notarial copy. Idem

**33.** Section 84 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 84,  
amended

(3) Where, after the registration of a plan of subdivision, instruments affecting land within the plan were registered that did not conform and refer thereto, the registrar shall, when he deems it necessary or when so directed by the Inspector, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2, and, where the registrar is unable without the assistance of a surveyor to determine the lots affected by the instruments, he may, with the approval of the Inspector, engage a surveyor to assist in such determination. Re-entry of  
instruments  
not referring  
to prior  
registered  
plan



R.S.O. 1960,  
c. 348, s. 85,  
re-enacted

**34.** Section 85 of *The Registry Act* is repealed and the following substituted therefor:

When  
instrument  
to be  
deemed  
registered

85. An instrument capable of and properly proved for registration and in respect of which the fees for registration have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made in the instrument.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 1,  
re-enacted

**35.**—(1) Subsection 1 of section 86 of *The Registry Act* is repealed and the following substituted therefor:

Registration  
of plans  
where land  
subdivided

- (1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan that has not been registered, the person making the survey and subdivision shall register a plan prepared by a surveyor in accordance with the regulations.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 7, 9,  
repealed

- (2) Subsections 7 and 9 of the said section 86 are repealed.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 17,  
re-enacted;  
subs. 18, 19,  
repealed

(3) Subsections 17, 18 and 19 of the said section 86 are repealed and the following substituted therefor:

Registrar  
not to file  
plans for  
anyone but  
owner nor  
without  
consent of  
mortgagees

- (17) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, nor unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

R.S.O. 1960,  
c. 348, s. 90,  
subs. 1,  
amended

**36.** Subsection 1 of section 90 of *The Registry Act* is amended by striking out "(Form 14)" in the sixth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

When  
instruments  
not  
conforming  
to proper  
plan may be  
registered

- (1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in

SECTION 34. The intent is clarified.

SECTION 35—Subsections 1 and 2. The repealed portions of subsections 1, 7 and 9 of section 86 of the Act will be dealt with in the regulations.

Subsection 3. Subsection 17 is clarified. Subsections 18 and 19 are unnecessary. The form is transferred from the Act to the regulations.

SECTION 36. The form is transferred from the Act to the regulations.

SECTION 37. The scope of the section is enlarged.

the opinion of the registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit in the prescribed form annexed thereto or endorsed thereon.

**37.** Section 96 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 96;  
re-enacted

96.—(1) The Inspector may by a direction to be known as a "restraining order" designate any area of land as a subdivision plan area, and, after the registration of the direction, no instrument of a class mentioned in the direction affecting the land shall be registered,

Designation  
of sub-  
division  
plan areas

(a) unless the land is described in accordance with and is within a registered plan of subdivision;

(b) unless the land conveyed is more than ten acres in area and the remnant, if any, remaining in the grantor is also ten acres or more; or

(c) unless the land conveyed is the whole part remaining to the person of one parcel described in a registered conveyance to him.

(2) The Inspector may in a direction under subsection 1 designate land that, although within a registered plan of subdivision, shall be deemed not to be within a registered plan of subdivision for the purposes of this section.

Registered  
plans may  
be included

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector, and such direction shall be registered and recorded in the abstract indexes of the lands affected thereby.

Alteration  
and with-  
drawal of  
direction

(4) Before altering or withdrawing a direction to permit the registration of an instrument, the Inspector,

Conditions

(a) may require the consent of the planning board or the Minister of Municipal Affairs to be endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

R.S.O. 1960,  
c. 296

(b) may require the land described in the instrument to be shown on a plan of survey attached to the instrument.



Order  
exempt  
under R.S.O.  
1960, c. 349

- (5) A direction under this section is exempt from *The Regulations Act*.

R.S.O. 1960,  
c. 348,  
ss. 97, 98,  
repealed

- 38.** Sections 97 and 98 of *The Registry Act* are repealed.

R.S.O. 1960,  
c. 348, s. 101,  
re-enacted;  
s. 102,  
repealed

- 39.** Sections 101 and 102 of *The Registry Act* are repealed and the following substituted therefor:

Fees in  
cases not  
provided for

- 101.—(1) Where an Act requires or permits an instrument to be registered, deposited or filed in a registry office or requires a registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Inspector may fix, to be paid by the person requiring the service to be performed.

Idem

- (2) Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Inspector may, subject to the regulations, fix the fee to be paid to the registrar in respect of each lot or parcel after the first.

R.S.O. 1960,  
c. 348, s. 107,  
re-enacted

- 40.** Section 107 of *The Registry Act* is repealed and the following substituted therefor:

Record of  
fees, etc.

- 107.—(1) Every registrar shall keep a daily record of all fees and emoluments received by him in such form as is approved by the Inspector.

Annual  
return

- (2) Every registrar shall make an annual return and transmit it to the Inspector on or before the 31st day of January of the year next following the year in respect of which it is made.

Form and  
content  
of return

- (3) The registrar's annual return shall include such information as is required by the regulations and shall be in such form as is approved by the Inspector.

R.S.O. 1960,  
c. 348, s. 108,  
re-enacted

- 41.** Section 108 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
to furnish  
municipality  
with list of  
convey-  
ances, etc.

- 108.—(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of the deeds, grants, quit claim deeds, vesting orders, mortgages, leases and judgments or final



SECTION 38. The sections repealed are obsolete.

SECTION 39. The intent of section 101 is clarified. The subject-matter of section 102 will be contained in the regulations.

SECTION 40. The content of each registrar's annual return to the Inspector of Legal Offices is to be set out in the regulations and not in the Act.

SECTION 41. Subsection 1 of section 108 of the Act is re-enacted to provide that the list of registered conveyances now furnished to municipalities for assessment purposes will in future include certain other types of instruments by which ownership is transferred, or, on the other hand, such only as are requested.

Subsection 2 of section 108 is repealed. The fee will be set by the regulations.

The new subsection 2 of section 108 is self-explanatory.

SECTION 42. The new subsections give statutory authority to the existing practices.

SECTION 43. The section is obsolete. It is therefore repealed.

SECTION 44. These amendments are designed to facilitate administration.

orders of foreclosure, or such of them as are specified in the request, that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such instrument, the names and addresses of the parties, the consideration and a short description of the land.

- (2) The registrar may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the registrar is entitled to such fee as is agreed upon by the registrar and the council and approved by the Inspector.
- Photo-graphic or electrostatic copies

**42.** Section 109 of *The Registry Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 348, s. 109, amended

- (4) Where the registrar's remuneration is fixed under subsection 3, he shall pay to the treasurer, in lieu of the percentages mentioned in subsection 2, the excess of his net income over such fixed remuneration, and, for the purpose of this Act, any reference to such percentages shall be deemed to be a reference to such excess.
- Payment of surplus where remuneration fixed
- (5) Where a registrar is also local master of titles, his net income upon which the percentages are to be computed shall be his net income received from the combined offices.
- Where registrar also local master
- (6) A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as local master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.
- Registrars in the districts

**43.** Section 112 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 112, repealed

**44.—**(1) Subsection 1 of section 113 of *The Registry Act* is amended by striking out "On the 15th day of January in each year" at the commencement thereof, so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 113, subs. 1, amended

- (1) Every registrar shall transmit to the treasurer of the county or city for which, or for part of which, he is registrar a duplicate of the return required by section 107, and shall also pay to such treasurer for the use of the municipality the percentages required by this Act to be paid by him.
- Surplus fees

R.S.O. 1960, c. 348, s. 113, amended (2) The said section 113 is amended by adding thereto the following subsections:

When payment to be made

- (3) The registrar shall transmit the duplicate of the return and pay 70 per cent of the percentages in accordance with subsections 1 and 2 on or before the 31st day of January in each year, and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct or on the 31st day of March of the same year, whichever occurs first.

Application

- (4) This section does not apply to a registrar in a provisional judicial district.

R.S.O. 1960, c. 348, s. 116, re-enacted 45. Section 116 of *The Registry Act* is repealed and the following substituted therefor:

Certain fees not within s. 109, subs. 2

- 116.—(1) In ascertaining the percentages payable under this Act, there shall not be included in the fees and emoluments any sum receivable from a municipality for the preparation of abstract indexes, or for work done under section 26, or subsection 5 of section 88, or section 108.

When subs. 1 does not apply

- (2) Subsection 1 does not apply to a registrar whose remuneration is fixed under subsection 3 of section 109 unless the Inspector otherwise orders.

Saving, elections R.S.O. 1960, c. 113 1960, c. 39 (Can.)

- (3) Nothing in this Act applies to fees or emoluments received on account of services under *The Election Act* or the *Canada Elections Act*.

R.S.O. 1960, c. 348, s. 118, repealed

46. Section 118 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, amended

47. *The Registry Act* is amended by adding thereto the following section:

Assistant Inspector

- 124a. The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Assistant Inspector of Legal Offices, and, in the absence of the Inspector or if the office of Inspector is vacant or if directed by the Inspector, the Assistant Inspector of Legal Offices has the powers and may perform the duties of the Inspector under this or any other Act.

R.S.O. 1960, c. 348, s. 126, re-enacted; s. 127, repealed

48. Section 126 and section 127, as amended by section 2 of *The Registry Amendment Act, 1961-62*, of *The Registry Act* are repealed and the following substituted therefor:



SECTION 45. The section is brought into line with existing practices.

SECTION 46. The operative part of the repealed section has been transferred to section 109 of the Act. See section 42 of this Bill.

SECTION 47. Self-explanatory.

SECTION 48. The present section 126, which contains special provisions relating to Toronto, is obsolete. It is therefore repealed.



The present section 127, which authorizes regulations, is re-enacted as section 126 and is brought into line with the new concept of the Act.

126.—(1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) describing the registry divisions;
- (b) prescribing the terms of employment of registrars, deputy registrars, clerks and other employees in registry offices;
- (c) for the management of registry offices, including the registers, plans, instruments and other books, documents and records to be kept and the method in which fees and other receipts of the office shall be collected, kept and accounted for;
- (d) prescribing the furnishing, equipment and accommodation to be provided in registry offices;
- (e) governing the custody and destruction of instruments and records in registry offices;
- (f) prescribing standards for surveys and plans of land to which this Act applies;
- (g) governing the method of describing land in instruments tendered for registration;
- (h) prescribing the minimum dimensions of instruments tendered for registration;
- (i) respecting the quality of writing and material used in instruments tendered for registration and in duplicates and copies required by this Act;
- (j) prescribing methods and standards of recording by photographic film and providing for the storage thereof;
- (k) governing the content of alphabetical indexes and dispensing therewith in any registry division;
- (l) prescribing the information to be included in annual returns of registrars;
- (m) requiring the payment of fees to registrars upon the performance of any official function under this Act and prescribing the amounts thereof;

- (n) prescribing forms and providing for their use;
- (o) prescribing anything that by this Act is required to be prescribed by the regulations;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application  
of  
regulations

- (2) The application of any provision of the regulations made under subsection 1 may be limited to one or more registry divisions.

R.S.O. 1960,  
c. 348, s. 128,  
repealed

- 49.** Section 128 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
Forms,  
repealed

- 50.** Forms 1 to 15 of *The Registry Act* are repealed.

1957, c. 107,  
s. 4, subs. 2,  
repealed

- 51.** Subsection 2 of section 4 of *The Registry Amendment Act, 1957* is repealed.

Validity  
of prior  
registrations  
not  
affected

- 52.** No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

When annual  
return to be  
made and  
surplus fees  
to be  
paid over

- 53.** Section 107 of *The Registry Act*, as re-enacted by section 40 of this Act, and section 113 of *The Registry Act*, as amended by section 44 of this Act, apply in respect of income of the year 1963 and subsequent years.

Commence-  
ment

- 54.—**(1) This Act, except as provided in subsection 2, shall be deemed to have come into force on the 1st day of January, 1963.

Idem

- (2) Sections 3, 5, 6, 11, 12, 13, 14, 15, 16, 20, 21, 22, 26, 27, 28, 29, 35, 36, 41 and 50 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 55.** This Act may be cited as *The Registry Amendment Act, 1962-63*.

SECTIONS 49 and 51. These provisions are obsolete. They are therefore repealed.

SECTION 50. The forms are being transferred from the Act to the regulations.

SECTION 52. Self-explanatory.

SECTION 53. The changes are made effective so as not to apply to 1962 revenue.





THE HISTORY OF THE UNITED STATES  
FROM 1789 TO 1861

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An Act to amend The Registry Act

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*1st Reading*

February 6th, 1963

*2nd Reading*

*3rd Reading*

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MR. CASS

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# **BILL 45**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Registry Act**

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**MR. CASS**

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTES

GENERAL. This Bill contains the first group of a series of amendments designed to modernize the Act. The complete revision of the Act will be accomplished in this way over a period of years.

SECTION 1. These definitions are added for purposes of convenience.

SECTION 2. The new subsection 3 will permit more efficient administration.

SECTIONS 3 and 4. These amendments transfer the form of oath of registrars and deputy registrars from the Act to the regulations and require it to be filed with the Inspector of Legal Offices instead of the Provincial Secretary.

BILL 45

1962-63

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 348, s. 1,  
amended

(ea) "local description" means a description of land drawn in accordance with the regulations;

. . . . .

(ga) "prescribed" means prescribed by this Act or the regulations;

(gb) "registered" means registered under this Act;

(gc) "regulations" means the regulations made under this Act;

(gd) "surveyor" means an Ontario land surveyor authorized to practise under *The Surveyors Act*. R.S.O. 1960,  
c. 389

2. Section 5 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 5,  
amended

(3) Notwithstanding subsection 1, where a county or district court house or administration building is outside the county or district town, the registry office for a registry division that includes the whole or part of the county or district town may, with the approval of the Lieutenant Governor in Council, be situated in the court house or administration building. Idem

3. Section 11 of *The Registry Act* is repealed. R.S.O. 1960,  
c. 348, s. 11,  
repealed

4. Section 13 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 13,  
re-enacted



Oath of  
office,  
registrar

13. Every registrar and deputy registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Inspector.

R.S.O. 1960,  
c. 348, s. 14,  
subs. 3,  
repealed

5. Subsection 3 of section 14 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 17,  
re-enacted

6. Section 17 of *The Registry Act* is repealed and the following substituted therefor:

Abstracts

- 17.—(1) Upon receipt of a request therefor and the prescribed fees, a registrar shall furnish an abstract in the prescribed form in respect of any land that is in his registry division and,

(a) that consists of a lot as described in a patent from the Crown or a lot that appears on a registered plan; or

(b) that consists of an identifiable part of such a lot.

What not  
to be  
included

- (2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract,

(a) an extract of any instrument that has been marked off the abstract index pursuant to section 73; or

(b) an extract of any mortgage, certificate of *lis pendens* or claim for mechanics' lien that was registered before the 1st day of January, 1890, where an instrument purporting to discharge or vacate such a mortgage, certificate or claim was registered ten or more years before the date of the request; or

(c) an extract of any instrument dealing exclusively with a mortgage, certificate of *lis pendens* or claim for mechanics' lien mentioned in clause b.

Idem, on  
request

- (3) Where a request for an abstract so specifies, the registrar shall not include in the abstract,

(a) an extract of a mortgage or of any other instrument dealing exclusively with the mortgage where an instrument purporting to be a discharge of the mortgage has been registered; or

SECTION 5. This provision, which prohibits registry office personnel from practising law or medicine, is repealed. The subject-matter will appear in the regulations.

SECTION 6. The intent is clarified.

SECTION 7—Subsection 1. This provision, which deals with the size, etc., of registry office books, is obsolete. It is therefore repealed. The subject-matter will be covered in the regulations.

Subsection 2. Subsections 5, 5a, 5b and 6 bring the Act into line with existing practices.

- (b) an extract of any instrument of any other class mentioned in the request.
- (4) Unless otherwise specified in the request for an abstract, the first instrument to be extracted for the abstract shall be, Commencement
- (a) the last conveyance registered next before the date forty years before the date of the request; or
  - (b) where there is registered a certificate of title under *The Quieting Titles Act*, such certificate; R.S.O. 1960, c. 340  
or
  - (c) where there is registered a certificate of title under *The Certification of Titles Act*, the first instrument registered after the effective date of the certificate; or R.S.O. 1960, c. 48
  - (d) where there is registered a tax deed of the land, such tax deed.
- (5) Where no conveyance of the type mentioned in subsection 4 was registered after the grant of the land from the Crown, the first instrument to be extracted for the abstract shall be the Crown grant. Crown grant
- (6) Except as provided in subsections 2 and 3, an abstract shall include extracts of all instruments affecting the land that were registered after the first instrument mentioned in subsection 4 or after the Crown grant mentioned in subsection 5 and that have been recorded in the abstract index for the land. Subsequent instruments
- 17a. Upon receipt of a request in writing and the prescribed fees, a registrar, Production of instruments, etc., copies
- (a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to any such instrument; and
  - (b) shall supply a copy of the whole or a part of any instrument registered in his office.
- 7.—(1) Subsection 2 of section 20 of *The Registry Act* is repealed. R.S.O. 1960, c. 348, s. 20, subs. 2, repealed
- (2) Subsections 5 and 6 of the said section 20 are repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 20, subss. 5, 6, re-enacted



By-law  
index

- (5) The registrar shall keep a by-law index in which he shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law.

By-law to  
contain  
description  
of land,  
exception

- (5a) No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected.

Authentica-  
tion of  
by-laws

- (5b) A by-law of a municipality may be registered by the production of a duplicate original or a copy of the by-law certificated by the clerk of the municipality under its seal.

No entry of  
by-law in  
general  
register

- (6) No entry in respect of a by-law shall be made in the general register.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8,  
re-enacted

- (3) Subsection 8 of the said section 20 is repealed and the following substituted therefor:

General  
register

- (8) The following instruments may be recorded in the general register:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.
6. Powers of attorney.
7. Certificates or copies of orders made under *The Mental Incompetency Act*.
8. General certificates of payment of succession duties.
9. General bars of dower.
10. Sworn copies of licences in mortmain.
11. Certificates of amalgamation of loan or trust corporations.

R.S.O. 1960,  
c. 237



Subsection 3. The provision is re-designed for clarity. Items 9, 10, 12 and 13 are new; item 11 is broadened.

SECTION 8. Section 23 is obsolete; it is therefore repealed. Section 24 is administrative; the subject-matter will be dealt with in the regulations.

SECTION 9—Subsection 1. The provision is brought into line with section 20 of the Act as amended by section 7 (1) of this Bill.

Subsection 2. This matter heretofore was dealt with in section 99 (j) of the Act. It is now put in a more appropriate place.

SECTION 10. A reference to a section repealed by section 8 of the Bill is deleted.

SECTION 11. The effect of this amendment will be to transfer the form of the abstract index book from the Act to the regulations.

12. Sworn copies of supplementary letters patent changing names of corporations or amalgamating corporations.
13. Orders in Council or certified copies thereof.
14. Claims for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right of way of a railway company. R.S.O. 1960, c. 233
8. Sections 23 and 24 of *The Registry Act* are repealed. R.S.O. 1960, c. 348, ss. 23, 24, repealed
- 9.—(1) Subsection 1 of section 26 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 26, subs. 1, re-enacted
- (1) Where any book, from age or use, is becoming obliterated or unfit for further use, the Inspector may order it to be copied so far as it can be deciphered by examination thereof and of the original instruments or memorials relating thereto. When any book becomes unfit for further use, copy to be made
- (2) The said section 26 is amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 26, amended
- (7) The Inspector may by order in writing determine the fee to be paid to the registrar for services performed under this section. Fee
10. Section 27 of *The Registry Act* is amended by striking out "sections 24 and" in the second line and inserting in lieu thereof "section", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 27, amended
27. Subject to section 28, the fees and expenses for services rendered under section 26 shall be paid by the treasurer of the county, and a town separated from the county for municipal purposes and a city for which there is not a separate registry office shall pay to the county such equitable proportion thereof as the Inspector shall direct. Payment for services under s. 26
11. Subsection 1 of section 29 of *The Registry Act* is amended by striking out "(Form 3)" in the first line and inserting in lieu thereof "in the prescribed form" and by striking out "as defined" in the fourth line and inserting in lieu thereof "that appears", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 1, amended
- (1) The registrar, in a book in the prescribed form, called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision of such land into smaller sections or lots. Abstract index of lots

R.S.O. 1960, c. 348, s. 30, re-enacted **12.** Section 30 of *The Registry Act* is repealed and the following substituted therefor:

Alphabetical  
index

30. Subject to the regulations, the registrar shall keep an alphabetical index of names in the prescribed form and containing such information as is prescribed.

R.S.O. 1960, c. 348, s. 33, subs. 1, 2, re-enacted; subs. 3-6, repealed

**13.** Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor:

Local  
description  
required

- (1) Except as provided by subsections 5a and 8 of section 20, an instrument that does not contain a local description of the land affected thereby shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description.

Registration  
of declara-  
tion as to  
lands  
affected

- (2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1.

R.S.O. 1960, c. 348, s. 34, subs. 1, re-enacted

**14.** Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor:

Where  
affidavit  
of witness  
required

- (1) No instrument, except a will, a grant or lease from the Crown, an Order in Council, an instrument under seal executed by an officer of the Government of Ontario, a by-law or an instrument under the seal of a corporation, a certificate of judicial proceedings, a plan and description in respect of expropriated land, an instrument under section 3 of *The Highway Improvement Act*, a consent of a planning board under section 26 of *The Planning Act*, or an instrument that may be registered by deposit of a certified copy, shall be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed it.

R.S.O. 1960, cc. 171, 296



SECTION 12. Same as section 11 of the Bill, with respect to the alphabetical index.

SECTION 13. The solicitor for a party is added to the group that may make a declaration describing the land affected by an instrument.

In addition, a number of changes in language have been made to clarify the intent.

SECTION 14. The present provision sets out the contents of the form; this feature is being transferred to the regulations.



SECTION 15. The present provision sets out the contents of the form; this feature is being transferred to the regulations.

SECTION 16. The scope of the section is widened.

SECTION 17. The section is recast for clarity. Clause (b) is new. Subsection 2 is self-explanatory.

SECTION 18. The section is re-enacted for clarity and to avoid a conflict with or duplication of section 17a (b), as enacted by section 6 of this Bill, and section 19 (1) of the Act.

15. Section 35 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 35,  
re-enacted

35. An instrument not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of goods or in respect of an advance or loan of money, shall not be registered unless an affidavit in the prescribed form is made on or securely attached to the instrument. Affidavit of  
execution in  
case of  
instruments  
given in  
respect of  
purchase or  
delivery of  
goods

16. Section 40 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 40,  
re-enacted

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall register the instrument and certificate. Where  
affidavit  
of witness  
not  
required

17. Section 42 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 42,  
re-enacted

42.—(1) A judgment or order of a court or judge affecting land may be registered in the registry office of the registry division in which the land is situate by registering therein, Judgments  
and orders  
affecting  
land

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(b) a copy of the judgment or order certified as such by the proper officer of the court.

(2) No judgment or final order of foreclosure of a mortgage shall be registered except by way of a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of the mortgage. Number of  
mortgage to  
be included  
in certifi-  
cate of  
foreclosure

18. Section 43 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 43,  
re-enacted

Registration  
of certified  
copies,  
powers of  
attorney,  
etc.

43. There may be registered,

- (a) a copy of an instrument certified under the hand and seal of the registrar, proper master of titles or clerk of a county or district court in whose office the instrument is registered; or
- (b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited.

R.S.O. 1960,  
c. 348, s. 48,  
re-enacted

19. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

Mortgages  
not to be  
recorded  
in full

48.—(1) Notwithstanding section 47 and except as otherwise provided in subsections 2 and 3, it is not necessary to record in full in the registry book a registered mortgage that has endorsed upon it the words "Not to be recorded in full".

Entry in  
copy book

(2) Where a mortgage has been registered in a registry office for a registry division other than a registry division designated under section 32, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt which have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent  
registry  
in full

(3) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

SECTION 19. Recognition is given to the fact that most registry offices are now using microfilm equipment instead of copy books for recording instruments.



SECTIONS 20 and 21. The forms are transferred from the Act to the regulations and the intent is clarified.

SECTION 22. The duties of the registrar and the manner of determining priorities are clarified.



- (4) Any mortgage of land in a registry division designated under section 32 shall be completely recorded on photographic film where the mortgage is registered after the 1st day of January, 1963, or after such designation, whichever is the later. Recording mortgage on photographic film
- (5) For the purposes of this section, a deed of trust and mortgage and any supplemental indenture shall be deemed to be a mortgage and to be endorsed "Not to be recorded in full". Bond mortgages
- 48a. Notwithstanding anything in this Act, it is not necessary to record an instrument in any registry book if the instrument is completely recorded on photographic film. Where recording in copy book, etc., not required
20. Subsection 1 of section 49 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 49, subs. 1, re-enacted
- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration under section 43, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall, if the instrument is otherwise capable of registration, register the instrument and certificate. Registration of power of attorney when instrument executed by attorney
21. Section 50 of *The Registry Act* is amended by striking out "(Form 8)" in the third line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 50, amended
50. Where an instrument in two or more original parts is registered, the registrar shall endorse upon each of the parts a certificate of the registration in the prescribed form, and any part so certified shall be received as *prima facie* evidence of the registration of the instrument and of the due execution of the same. Instrument in two or more parts
22. Sections 54 and 55 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, ss. 54, 55, re-enacted

- |                                   |  |
|-----------------------------------|--|
| Registration numbers              | 54.—(1) Except as provided by subsection 5, all instruments shall be numbered consecutively in order of time of being registered.  |
| Idem                              | (2) Where two or more instruments affecting the same land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received.   |
| Time of receipt                   | (3) The year, month, day, hour and minute at which an instrument is registered shall be endorsed thereon.  |
| Priorities, how established       | (4) For the purpose of section 77, priorities shall, subject to subsection 5, be determined in accordance with the respective registration numbers.  |
| Idem                              | (5) A separate series of registration numbers shall be used for plans of subdivision and for any other class of instrument that may be approved by the Inspector, and, for the purposes of section 77, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon.   |
| Manner of registration            | 55.—(1) Upon registration of an instrument, the registrar, <ul style="list-style-type: none"> <li>(a) shall cause to be endorsed upon it and upon the duplicate thereof, if any, received with it a certificate in the prescribed form; and</li> <li>(b) shall cause it to be recorded,             <ul style="list-style-type: none"> <li>(i) on photographic film or in the proper registry book, and</li> <li>(ii) in the proper abstract index, or in the general register index, or in the by-law index, and</li> <li>(iii) subject to the regulations, in the alphabetical index.</li> </ul> </li> </ul> |
| Certificate proof of registration | (2) A certificate endorsed upon an instrument or duplicate under clause <i>a</i> of subsection 1 is receivable by any court as proof of registration of the instrument.  |
| Custody of registered instruments | (3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 19, section 74 and the regulations, shall be retained in the custody of the registrar in his office.  |
| Exception as to plans             | (4) Subclauses i and iii of clause <i>b</i> of subsection 1 do not apply in the case of a plan of subdivision or other registered plan.  |



SECTION 23. The intent is clarified.

SECTION 24. The cross-references are corrected.

SECTION 25. The sections repealed are obsolete. They deal with instruments executed before January 1, 1866.

SECTIONS 26, 27, 28, 29. The forms are being transferred from the Act to the regulations.



**23.** Section 57 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 57,  
re-enacted

57.—(1) Where by any Act of Canada or Ontario an Order in Council or a certified copy thereof is required to be registered or deposited in a registry office, the Order or certified copy may be registered and recorded in the general register. Orders in  
Council

(2) Where an Order in Council or certified copy registered and recorded under subsection 1 contains a local description, it shall also be recorded in the abstract index. Idem

**24.**—(1) Subsection 6 of section 61 of *The Registry Act* is amended by striking out "section 43" in the fourth line and inserting in lieu thereof "subsection 1 of section 19", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 6,  
amended

(6) Where a notice of sale or a certificate of a judge under subsection 4 or 5 has been registered, the notice or certificate may be registered in any other registry office by depositing a copy thereof, certified in the manner provided by subsection 1 of section 19. Other  
registry  
offices

(2) Subsection 7 of the said section 61 is amended by striking out "pursuant to subsection 3 of section 48" in the sixth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 7,  
amended

(7) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has been registered "not in full" shall be registered until the mortgage and any assignment thereof has been duly registered and copied or reproduced in full. When mort-  
gage to be  
recorded  
in full

**25.** Sections 62 and 63 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348,  
ss. 62, 63,  
repealed

**26.** Subsection 3 of section 64 of *The Registry Act* is amended by striking out "(Form 8)" in the second line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 64,  
subs. 3,  
amended

(3) The registrar shall also endorse upon the original instrument a certificate of the re-registration in the prescribed form. Endorse-  
ment

**27.** Subsection 1 of section 65 of *The Registry Act* is amended by striking out "(Form 10)" in the second line and inserting in lieu thereof "of discharge of mortgage in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 65,  
subs. 1,  
amended



Discharge  
of mortgage

- (1) In the case of a registered mortgage, the registrar on receiving a certificate of discharge of mortgage in the prescribed form, executed by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, and duly proven in the manner provided for the proof of other instruments, shall register the certificate, and record it and every affidavit attached to or endorsed on it, at full length in the proper order, in the registry book, and number it in like manner as other instruments are required to be registered, recorded and numbered.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 2,  
amended

**28.** Subsection 2 of section 71 of *The Registry Act* is amended by striking out "(Form 11)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

Form of  
certificate  
of discharge

- (2) After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

R.S.O. 1960,  
c. 348, s. 72,  
amended

**29.** Section 72 of *The Registry Act* is amended by striking out "(Form 12)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows:

Discharge  
of instru-  
ment given  
in relation  
to purchase  
of goods

72. Instruments of the nature mentioned in section 35 may be discharged, and the land affected thereby released therefrom, by depositing in the proper registry office a certificate of discharge in the prescribed form.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 4,  
amended

**30.** Subsection 4 of section 73 of *The Registry Act* is amended by striking out "wherever a mechanics' lien registered since the 1st day of January, 1890, has been registered for two years and no certificate of action has been registered as required by *The Mechanics' Lien Act*, and" in the fourth, fifth, sixth and seventh lines, so that the subsection shall read as follows:

Mechanics'  
liens

- (4) Where a mechanics' lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two or more years and

SECTION 30. The Act is brought into line with *The Mechanics' Lien Act*.

SECTION 31. Subsection 4 of section 75 of the Act is transferred to a more appropriate place in the Act.

Subsection 5 is obsolete; the subject-matter is now dealt with elsewhere in the Act.

SECTION 32. This new section is a temporary device to overcome certain strictures in the Act which will be removed as the over-all revision of the Act progresses.

SECTION 33. Self-explanatory.

wherever a mechanics' lien has been so registered and a certificate of action has also been registered and the certificate of action has been vacated or discharged and the order or certificate of order vacating or discharging it has been registered for two or more years, the registrar shall, wherever such mechanics' lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and the mechanics' lien is validly discharged and the certificate of action is duly vacated.

**31.** Subsections 4 and 5 of section 75 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348, s. 75,  
subss. 4, 5,  
repealed

**32.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

75a.—(1) Where any provision of this Act requires or permits the registration of a sworn or notarial copy of an instrument, the instrument may be registered instead of a copy. Sworn  
copies,  
notarial  
copies

(2) Where any provision of this Act permits the registration of a sworn copy of an instrument, a notarial copy of the instrument may be registered instead of a sworn copy. Idem

(3) Where any provision of this Act permits the registration of a notarial copy of an instrument, a sworn copy of the instrument may be registered instead of a notarial copy. Idem

**33.** Section 84 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 84,  
amended

(3) Where, after the registration of a plan of subdivision, instruments affecting land within the plan were registered that did not conform and refer thereto, the registrar shall, when he deems it necessary or when so directed by the Inspector, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2, and, where the registrar is unable without the assistance of a surveyor to determine the lots affected by the instruments, he may, with the approval of the Inspector, engage a surveyor to assist in such determination. Re-entry of  
instruments  
not referring  
to prior  
registered  
plan



R.S.O. 1960,  
c. 348, s. 85,  
re-enacted

**34.** Section 85 of *The Registry Act* is repealed and the following substituted therefor:

When  
instrument  
to be  
deemed  
registered

85. An instrument capable of and properly proved for registration and in respect of which the fees for registration have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made in the instrument.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 1,  
re-enacted

**35.**—(1) Subsection 1 of section 86 of *The Registry Act* is repealed and the following substituted therefor:

Registration  
of plans  
where land  
subdivided

- (1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan that has not been registered, the person making the survey and subdivision shall register a plan prepared by a surveyor in accordance with the regulations.

R.S.O. 1960,  
c. 348, s. 86,  
subss. 7, 9,  
repealed

- (2) Subsections 7 and 9 of the said section 86 are repealed.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 17,  
re-enacted;  
subss. 18, 19,  
repealed

- (3) Subsections 17, 18 and 19 of the said section 86 are repealed and the following substituted therefor:

Registrar  
not to file  
plans for  
anyone but  
owner nor  
without  
consent of  
mortgagees

- (17) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, nor unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

R.S.O. 1960,  
c. 348, s. 90,  
subs. 1,  
amended

**36.** Subsection 1 of section 90 of *The Registry Act* is amended by striking out "(Form 14)" in the sixth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

When  
instruments  
not  
conforming  
to proper  
plan may be  
registered

- (1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in



SECTION 34. The intent is clarified.

SECTION 35—Subsections 1 and 2. The repealed portions of subsections 1, 7 and 9 of section 86 of the Act will be dealt with in the regulations.

Subsection 3. Subsection 17 is clarified. Subsections 18 and 19 are unnecessary. The form is transferred from the Act to the regulations.

SECTION 36. The form is transferred from the Act to the regulations.

SECTION 37. The scope of the section is enlarged.

the opinion of the registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit in the prescribed form annexed thereto or endorsed thereon.

**37.** Section 96 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 96,  
re-enacted

96.—(1) The Inspector may by a direction to be known as a “restraining order” designate any area of land as a subdivision plan area, and, after the registration of the direction, no instrument of a class mentioned in the direction affecting the land shall be registered,

Designation  
of sub-  
division  
plan areas

(a) unless the land is described in accordance with and is within a registered plan of subdivision;

(b) unless the land described is more than ten acres in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

(c) unless the land described is the whole part remaining to the owner of one parcel described in a registered conveyance to him.

(2) The Inspector may in a direction under subsection 1 designate land that, although within a registered plan of subdivision, shall be deemed not to be within a registered plan of subdivision for the purposes of this section.

Registered  
plans may  
be included

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector, and such direction shall be registered and recorded in the abstract indexes of the lands affected thereby.

Alteration  
and with-  
drawal of  
direction

(4) Before altering or withdrawing a direction to permit the registration of an instrument, the Inspector,

Conditions

(a) may require the consent of the planning board or the Minister of Municipal Affairs to be endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

R.S.O. 1960,  
c. 296

(b) may require the land described in the instrument to be shown on a plan of survey attached to the instrument.

Order  
exempt  
under R.S.O.  
1960, c. 349

(5) A direction under this section is exempt from *The Regulations Act*.

R.S.O. 1960,  
c. 348,  
ss. 97, 98,  
repealed

**38.** Sections 97 and 98 of *The Registry Act* are repealed.

R.S.O. 1960,  
c. 348, s. 101,  
re-enacted;  
s. 102,  
repealed

**39.** Sections 101 and 102 of *The Registry Act* are repealed and the following substituted therefor:

Fees in  
cases not  
provided for

101.—(1) Where an Act requires or permits an instrument to be registered, deposited or filed in a registry office or requires a registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Inspector may fix, to be paid by the person requiring the service to be performed.

Idem

(2) Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Inspector may, subject to the regulations, fix the fee to be paid to the registrar in respect of each lot or parcel after the first.

R.S.O. 1960,  
c. 348, s. 107,  
re-enacted

**40.** Section 107 of *The Registry Act* is repealed and the following substituted therefor:

Record of  
fees, etc.

107.—(1) Every registrar shall keep a daily record of all fees and emoluments received by him in such form as is approved by the Inspector.

Annual  
return

(2) Every registrar shall make an annual return and transmit it to the Inspector on or before the 31st day of January of the year next following the year in respect of which it is made.

Form and  
content  
of return

(3) The registrar's annual return shall include such information as is required by the regulations and shall be in such form as is approved by the Inspector.

R.S.O. 1960,  
c. 348, s. 108,  
re-enacted

**41.** Section 108 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
to furnish  
municipality  
with list of  
convey-  
ances, etc.

108.—(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of the deeds, grants, quit claim deeds, vesting orders, mortgages, leases and judgments or final



SECTION 38. The sections repealed are obsolete.

SECTION 39. The intent of section 101 is clarified. The subject-matter of section 102 will be contained in the regulations.

SECTION 40. The content of each registrar's annual return to the Inspector of Legal Offices is to be set out in the regulations and not in the Act.

SECTION 41. Subsection 1 of section 108 of the Act is re-enacted to provide that the list of registered conveyances now furnished to municipalities for assessment purposes will in future include certain other types of instruments by which ownership is transferred, or, on the other hand, such only as are requested.



Subsection 2 of section 108 is repealed. The fee will be set by the regulations.

The new subsection 2 of section 108 is self-explanatory.

SECTION 42. The new subsections give statutory authority to the existing practices.

SECTION 43. The section is obsolete. It is therefore repealed.

SECTION 44. These amendments are designed to facilitate administration.

orders of foreclosure, or such of them as are specified in the request, that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such instrument, the names and addresses of the parties, the consideration and a short description of the land.

- (2) The registrar may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the registrar is entitled to such fee as is agreed upon by the registrar and the council and approved by the Inspector.

Photo-graphic or electrostatic copies

**42.** Section 109 of *The Registry Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 348, s. 109, amended

- (4) Where the registrar's remuneration is fixed under subsection 3, he shall pay to the treasurer, in lieu of the percentages mentioned in subsection 2, the excess of his net income over such fixed remuneration, and, for the purpose of this Act, any reference to such percentages shall be deemed to be a reference to such excess.

Payment of surplus where remuneration fixed

- (5) Where a registrar is also local master of titles, his net income upon which the percentages are to be computed shall be his net income received from the combined offices.

Where registrar also local master

- (6) A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as local master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.

Registrars in the districts

**43.** Section 112 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 112, repealed

**44.—**(1) Subsection 1 of section 113 of *The Registry Act* is amended by striking out "On the 15th day of January in each year" at the commencement thereof, so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 113, subs. 1, amended

- (1) Every registrar shall transmit to the treasurer of the county or city for which, or for part of which, he is registrar a duplicate of the return required by section 107, and shall also pay to such treasurer for the use of the municipality the percentages required by this Act to be paid by him.

Surplus fees

R.S.O. 1960,  
o. 348, s. 113,  
amended (2) The said section 113 is amended by adding thereto the following subsections:

When  
payment  
to be made

- (3) The registrar shall transmit the duplicate of the return and pay 70 per cent of the percentages in accordance with subsections 1 and 2 on or before the 31st day of January in each year, and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct or on the 31st day of March of the same year, whichever occurs first.

Application

- (4) This section does not apply to a registrar in a provisional judicial district.

R.S.O. 1960,  
o. 348, s. 116,  
re-enacted

**45.** Section 116 of *The Registry Act* is repealed and the following substituted therefor:

Certain  
fees not  
within  
s. 109,  
subs. 2

- 116.—(1) In ascertaining the percentages payable under this Act, there shall not be included in the fees and emoluments any sum receivable from a municipality for the preparation of abstract indexes, or for work done under section 26, or subsection 5 of section 88, or section 108.

When  
subs. 1 does  
not apply

- (2) Subsection 1 does not apply to a registrar whose remuneration is fixed under subsection 3 of section 109 unless the Inspector otherwise orders.

Saving  
elections  
R.S.O. 1960,  
c. 118  
1960, c. 39  
(Can.)

- (3) Nothing in this Act applies to fees or emoluments received on account of services under *The Election Act* or the *Canada Elections Act*.

R.S.O. 1960,  
c. 348, s. 118,  
repealed

**46.** Section 118 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
amended

**47.** *The Registry Act* is amended by adding thereto the following section:

Assistant  
Inspector

- 124a. The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Assistant Inspector of Legal Offices, and, in the absence of the Inspector or if the office of Inspector is vacant or if directed by the Inspector, the Assistant Inspector of Legal Offices has the powers and may perform the duties of the Inspector under this or any other Act.

R.S.O. 1960,  
c. 348, s. 126,  
re-enacted;  
s. 127,  
repealed

**48.** Section 126 and section 127, as amended by section 2 of *The Registry Amendment Act, 1961-62*, of *The Registry Act* are repealed and the following substituted therefor:

SECTION 45. The section is brought into line with existing practices.

SECTION 46. The operative part of the repealed section has been transferred to section 109 of the Act. See section 42 of this Bill.

SECTION 47. Self-explanatory.

SECTION 48. The present section 126, which contains special provisions relating to Toronto, is obsolete. It is therefore repealed.

The present section 127, which authorizes regulations, is re-enacted as section 126 and is brought into line with the new concept of the Act.



126.—(1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) describing the registry divisions;
- (b) prescribing the terms of employment of registrars, deputy registrars, clerks and other employees in registry offices;
- (c) for the management of registry offices, including the registers, plans, instruments and other books, documents and records to be kept and the method in which fees and other receipts of the office shall be collected, kept and accounted for;
- (d) prescribing the furnishing, equipment and accommodation to be provided in registry offices;
- (e) governing the custody and destruction of instruments and records in registry offices;
- (f) prescribing standards for surveys and plans of land to which this Act applies;
- (g) governing the method of describing land in instruments tendered for registration;
- (h) prescribing the minimum dimensions of instruments tendered for registration;
- (i) respecting the quality of writing and material used in instruments tendered for registration and in duplicates and copies required by this Act;
- (j) prescribing methods and standards of recording by photographic film and providing for the storage thereof;
- (k) governing the content of alphabetical indexes and dispensing therewith in any registry division;
- (l) prescribing the information to be included in annual returns of registrars;
- (m) requiring the payment of fees to registrars upon the performance of any official function under this Act and prescribing the amounts thereof;

- (n) prescribing forms and providing for their use;
- (o) prescribing anything that by this Act is required to be prescribed by the regulations;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Application  
of  
regulations**

- (2) The application of any provision of the regulations made under subsection 1 may be limited to one or more registry divisions.

R.S.O. 1960,  
c. 348, s. 128,  
repealed

- 49.** Section 128 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
Forms,  
repealed

- 50.** Forms 1 to 15 of *The Registry Act* are repealed.

1957, c. 107,  
s. 4, subs. 2,  
repealed

- 51.** Subsection 2 of section 4 of *The Registry Amendment Act, 1957* is repealed.

**Validity  
of prior  
registrations  
not  
affected**

- 52.** No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

**When annual  
return to be  
made and  
surplus fees  
to be  
paid over**

- 53.** Section 107 of *The Registry Act*, as re-enacted by section 40 of this Act, and section 113 of *The Registry Act*, as amended by section 44 of this Act, apply in respect of income of the year 1963 and subsequent years.

**Commence-  
ment**

- 54.—**(1) This Act, except as provided in subsections 2 and 3, shall be deemed to have come into force on the 1st day of January, 1963.

**Idem**

- (2) Sections 17 and 23 come into force on the day this Act receives Royal Assent.

**Idem**

- (3) Sections 3, 5, 6, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 26, 27, 28, 29, 35, 36, 41 and 50 come into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

- 55.** This Act may be cited as *The Registry Amendment Act, 1962-63*.

SECTIONS 49 and 51. These provisions are obsolete. They are therefore repealed.

SECTION 50. The forms are being transferred from the Act to the regulations.

SECTION 52. Self-explanatory.

SECTION 53. The changes are made effective so as not to apply to 1962 revenue.



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An Act to amend The Registry Act

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*1st Reading*

February 6th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

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MR. CASS

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(Reprinted as amended by the  
Committee on Legal Bills)

## BILL 45

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### An Act to amend The Registry Act

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MR. CASS

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*(Reprinted for consideration by the Committee of the Whole House)*

### EXPLANATORY NOTES

GENERAL. This Bill contains the first group of a series of amendments designed to modernize the Act. The complete revision of the Act will be accomplished in this way over a period of years.

SECTION 1. These definitions are added for purposes of convenience.

SECTION 2. The new subsection 3 will permit more efficient administration.

SECTIONS 3 and 4. These amendments transfer the form of oath of registrars and deputy registrars from the Act to the regulations and require it to be filed with the Inspector of Legal Offices instead of the Provincial Secretary.

BILL 45

1962-63

## An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 348, s. 1,  
amended

(ea) "local description" means a description of land drawn in accordance with the regulations;

(ga) "prescribed" means prescribed by this Act or the regulations;

(gb) "registered" means registered under this Act;

(gc) "regulations" means the regulations made under this Act;

(gd) "surveyor" means an Ontario land surveyor authorized to practise under *The Surveyors Act*. R.S.O. 1960,  
c. 389

2. Section 5 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 5,  
amended

(3) Notwithstanding subsection 1, where a county or district court house or administration building is outside the county or district town, the registry office for a registry division that includes the whole or part of the county or district town may, with the approval of the Lieutenant Governor in Council, be situated in the court house or administration building. Idem

3. Section 11 of *The Registry Act* is repealed. R.S.O. 1960,  
c. 348, s. 11,  
repealed

4. Section 13 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 13,  
re-enacted

Oath of  
office,  
registrar

13. Every registrar and deputy registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Inspector.

R.S.O. 1960,  
c. 348, s. 14,  
subs. 3,  
repealed

5. Subsection 3 of section 14 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 17,  
re-enacted

6. Section 17 of *The Registry Act* is repealed and the following substituted therefor:

Abstracts

- 17.—(1) Upon receipt of a request therefor and the prescribed fees, a registrar shall furnish an abstract in the prescribed form in respect of any land that is in his registry division and,

(a) that consists of a lot as described in a patent from the Crown or a lot that appears on a registered plan; or

(b) that consists of an identifiable part of such a lot.

What not  
to be  
included

- (2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract,

(a) an extract of any instrument that has been marked off the abstract index pursuant to section 73; or

(b) an extract of any mortgage, certificate of *lis pendens* or claim for mechanics' lien that was registered before the 1st day of January, 1890, where an instrument purporting to discharge or vacate such a mortgage, certificate or claim was registered ten or more years before the date of the request; or

(c) an extract of any instrument dealing exclusively with a mortgage, certificate of *lis pendens* or claim for mechanics' lien mentioned in clause b.

Idem, on  
request

- (3) Where a request for an abstract so specifies, the registrar shall not include in the abstract,

(a) an extract of a mortgage or of any other instrument dealing exclusively with the mortgage where an instrument purporting to be a discharge of the mortgage has been registered; or



SECTION 5. This provision, which prohibits registry office personnel from practising law or medicine, is repealed. The subject-matter will appear in the regulations.

SECTION 6. The intent is clarified.

SECTION 7—Subsection 1. This provision, which deals with the size, etc., of registry office books, is obsolete. It is therefore repealed. The subject-matter will be covered in the regulations.

Subsection 2. Subsections 5, 5a, 5b and 6 bring the Act into line with existing practices.

- (b) an extract of any instrument of any other class mentioned in the request.
- (4) Unless otherwise specified in the request for an abstract, the first instrument to be extracted for the abstract shall be, <sup>Commencement</sup>
- (a) the last conveyance registered next before the date forty years before the date of the request; or
  - (b) where there is registered a certificate of title under *The Quieting Titles Act*, such certificate; <sup>R.S.O. 1960, c. 340</sup>
  - (c) where there is registered a certificate of title under *The Certification of Titles Act*, the first instrument registered after the effective date of the certificate. <sup>R.S.O. 1960, c. 48</sup>
- (5) Where no conveyance of the type mentioned in subsection 4 was registered after the grant of the land from the Crown, the first instrument to be extracted for the abstract shall be the Crown grant. <sup>Crown grant</sup>
- (6) Except as provided in subsections 2 and 3, an abstract shall include extracts of all instruments affecting the land that were registered after the first instrument mentioned in subsection 4 or after the Crown grant mentioned in subsection 5 and that have been recorded in the abstract index for the land. <sup>Subsequent instruments</sup>
- 17a. Upon receipt of a request in writing and the prescribed fees, a registrar, <sup>Production of instruments, etc., copies</sup>
- (a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to any such instrument; and
  - (b) shall supply a copy of the whole or a part of any instrument registered in his office.

7.—(1) Subsection 2 of section 20 of *The Registry Act* is repealed. <sup>R.S.O. 1960, c. 348, s. 20, subs. 2, repealed</sup>

(2) Subsections 5 and 6 of the said section 20 are repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 348, s. 20, subs. 5, 6, re-enacted</sup>

By-law  
index

- (5) The registrar shall keep a by-law index in which he shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law.

By-law to  
contain  
description  
of land,  
exception

- (5a) No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected.

Authentica-  
tion of  
by-laws

- (5b) A by-law of a municipality may be registered by the production of a duplicate original or a copy of the by-law certificated by the clerk of the municipality under its seal.

No entry of  
by-law in  
general  
register

- (6) No entry in respect of a by-law shall be made in the general register.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8,  
re-enacted

- (3) Subsection 8 of the said section 20 is repealed and the following substituted therefor:

General  
register

- (8) The following instruments may be recorded in the general register:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.
6. Powers of attorney.
7. Certificates or copies of orders made under *The Mental Incompetency Act*.
8. General certificates of payment of succession duties.
9. General bars of dower.
10. Sworn copies of licences in mortmain.
11. Sworn copies of certificates of amalgamation of loan or trust corporations.

R.S.O. 1960,  
c. 237



Subsection 3. The provision is re-designed for clarity. Items 9, 10, 12 and 13 are new; item 11 is broadened.



SECTION 8. Section 23 is obsolete; it is therefore repealed. Section 24 is administrative; the subject-matter will be dealt with in the regulations.

SECTION 9—Subsection 1. The provision is brought into line with section 20 of the Act as amended by section 7 (1) of this Bill.

Subsection 2. This matter heretofore was dealt with in section 99 (j) of the Act. It is now put in a more appropriate place.

SECTION 10. A reference to a section repealed by section 8 of the Bill is deleted.

SECTION 11. The effect of this amendment will be to transfer the form of the abstract index book from the Act to the regulations.

12. Sworn copies of letters patent changing names of corporations or amalgamating corporations.

13. Orders in Council or certified copies thereof.

14. Claims for lien under *The Mechanics' Lien Act* R.S.O. 1960, c. 233 against land that constitutes the line of railway or right of way of a railway company.

8. Sections 23 and 24 of *The Registry Act* are repealed. R.S.O. 1960, c. 348, ss. 23, 24, repealed

9.—(1) Subsection 1 of section 26 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 26, subs. 1, re-enacted

(1) Where any book, from age or use, is becoming obliterated or unfit for further use, the Inspector may order it to be copied so far as it can be deciphered by examination thereof and of the original instruments or memorials relating thereto. When any book becomes unfit for further use, copy to be made

(2) The said section 26 is amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 26, amended

(7) The Inspector may by order in writing determine the fee to be paid to the registrar for services performed under this section. Fee

10. Section 27 of *The Registry Act* is amended by striking out "sections 24 and" in the second line and inserting in lieu thereof "section", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 27, amended

27. Subject to section 28, the fees and expenses for services rendered under section 26 shall be paid by the treasurer of the county, and a town separated from the county for municipal purposes and a city for which there is not a separate registry office shall pay to the county such equitable proportion thereof as the Inspector shall direct. Payment for services under s. 26

11. Subsection 1 of section 29 of *The Registry Act* is amended by striking out "(Form 3)" in the first line and inserting in lieu thereof "in the prescribed form" and by striking out "as defined" in the fourth line and inserting in lieu thereof "that appears", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 1, amended

(1) The registrar, in a book in the prescribed form, called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision of such land into smaller sections or lots. Abstract index of lots

R.S.O. 1960,  
c. 348, s. 30,  
re-enacted **12.** Section 30 of *The Registry Act* is repealed and the following substituted therefor:

Alphabetical  
index

30. Subject to the regulations, the registrar shall keep an alphabetical index of names in the prescribed form and containing such information as is prescribed.

R.S.O. 1960,  
c. 348, s. 33,  
subs. 1, 2,  
re-enacted;  
subs. 3-6,  
repealed

**13.** Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor:

Local  
description  
required

- (1) Except as provided by subsections 5a and 8 of section 20, an instrument that does not contain a local description of the land affected thereby shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description.

Registration  
of declara-  
tion as to  
lands  
affected

- (2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1.

R.S.O. 1960,  
c. 348, s. 34,  
subs. 1,  
re-enacted

**14.** Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor:

Where  
affidavit  
of witness  
required

- (1) No instrument, except a will, a grant or lease from the Crown, an Order in Council, an instrument that purports to be executed by an officer of the Government of Ontario, a by-law or an instrument under the seal of a corporation, a certificate of judicial proceedings, a plan or a plan and description in respect of expropriated land, an instrument under section 3, 6 or 13 of *The Highway Improvement Act*, a consent under section 26 of *The Planning Act*, a copy of an instrument certified under section 43, or a sworn or notarial copy of an instrument where such copy may be registered, shall be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed it.

R.S.O. 1960,  
cc. 171, 296



SECTION 12. Same as section 11 of the Bill, with respect to the alphabetical index.

SECTION 13. The solicitor for a party is added to the group that may make a declaration describing the land affected by an instrument.

In addition, a number of changes in language have been made to clarify the intent.

SECTION 14. The present provision sets out the contents of the form; this feature is being transferred to the regulations.

**SECTION 15.** The present provision sets out the contents of the form; this feature is being transferred to the regulations.

**SECTION 16.** The scope of the section is widened.

**SECTION 17.** The section is recast for clarity. Clause (b) is new. Subsection 2 is self-explanatory.

**SECTION 18.** The section is re-enacted for clarity and to avoid a conflict with or duplication of section 17a (b), as enacted by section 6 of this Bill, and section 19 (1) of the Act.



**15.** Section 35 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 35,  
re-enacted

35. An instrument not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of goods or in respect of an advance or loan of money, shall not be registered unless an affidavit in the prescribed form is made on or securely attached to the instrument.

**16.** Section 40 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 40,  
re-enacted

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall register the instrument and certificate.

**17.** Section 42 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 42,  
re-enacted

42.—(1) A judgment or order of a court or judge affecting land may be registered in the registry office of the registry division in which the land is situate by registering therein, Judgments  
and orders  
affecting  
land

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(b) a copy of the judgment or order certified as such by the proper officer of the court.

(2) No judgment or final order of foreclosure of a mortgage shall be registered except by way of a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of the mortgage. Number of  
mortgage to  
be included  
in certifi-  
cate of  
foreclosure

**18.** Section 43 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 43,  
re-enacted

Registration  
of certified  
copies,  
powers of  
attorney,  
etc.

43. There may be registered,

- (a) a copy of an instrument certified under the hand and seal of the registrar, proper master of titles or clerk of a county or district court in whose office the instrument is registered; or
- (b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited.

R.S.O. 1960,  
c. 348, s. 48,  
re-enacted

19. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

Mortgages  
not to be  
recorded  
in full

48.—(1) Notwithstanding section 47 and except as otherwise provided in subsections 2 and 3, it is not necessary to record in full in the registry book a registered mortgage that has endorsed upon it the words "Not to be recorded in full".

Entry in  
copy book

(2) Where a mortgage has been registered in a registry office for a registry division other than a registry division designated under section 32, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt which have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent  
registry  
in full

(3) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

SECTION 19. Recognition is given to the fact that most registry offices are now using microfilm equipment instead of copy books for recording instruments.

SECTIONS 20 and 21. The forms are transferred from the Act to the regulations and the intent is clarified.

SECTION 22. The duties of the registrar and the manner of determining priorities are clarified.



- (4) Any mortgage of land in a registry division designated under section 32 shall be completely recorded on photographic film where the mortgage is registered after the 1st day of January, 1963, or after such designation, whichever is the later. Recording mortgage on photographic film
- (5) For the purposes of this section, a deed of trust and mortgage and any supplemental indenture shall be deemed to be a mortgage and to be endorsed "Not to be recorded in full". Bond mortgages
- 48a. Notwithstanding anything in this Act, it is not necessary to record an instrument in any registry book if the instrument is completely recorded on photographic film. Where recording in copy book, etc., not required
20. Subsection 1 of section 49 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 49, subs. 1, re-enacted
- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration under section 43, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall, if the instrument is otherwise capable of registration, register the instrument and certificate. Registration of power of attorney when instrument executed by attorney
21. Section 50 of *The Registry Act* is amended by striking out "(Form 8)" in the third line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 50, amended
50. Where an instrument in two or more original parts is registered, the registrar shall endorse upon each of the parts a certificate of the registration in the prescribed form, and any part so certified shall be received as *prima facie* evidence of the registration of the instrument and of the due execution of the same. Instrument in two or more parts
22. Sections 54 and 55 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, ss. 54, 55, re-enacted



**Registration numbers**

54.—(1) Except as provided by subsection 5, all instruments shall be numbered consecutively in order of time of being registered.

**Idem**

(2) Where two or more instruments affecting the same land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received.

**Time of receipt**

(3) The year, month, day, hour and minute at which an instrument is registered shall be endorsed thereon.

**Priorities, how established**

(4) For the purpose of section 77, priorities shall, subject to subsection 5, be determined in accordance with the respective registration numbers.

**Idem**

(5) A separate series of registration numbers shall be used for plans of subdivision and for any other class of instrument that may be approved by the Inspector, and, for the purposes of section 77, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon.

**Manner of registration**

55.—(1) Upon registration of an instrument, the registrar,

(a) shall cause to be endorsed upon it and upon the duplicate thereof, if any, received with it a certificate in the prescribed form; and

(b) shall cause it to be recorded,

(i) on photographic film or in the proper registry book, and

(ii) in the proper abstract index, or in the general register index, or in the by-law index, and

(iii) subject to the regulations, in the alphabetical index.

**Certificate proof of registration**

(2) A certificate endorsed upon an instrument or duplicate under clause *a* of subsection 1 is receivable by any court as proof of registration of the instrument.

**Custody of registered instruments**

(3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 19, section 74 and the regulations, shall be retained in the custody of the registrar in his office.

**Exception as to plans**

(4) Subclauses i and iii of clause *b* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan.

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SECTION 23. The intent is clarified.

SECTION 24. The cross-references are corrected.

SECTION 25. The sections repealed are obsolete. They deal with instruments executed before January 1, 1866.

SECTIONS 26, 27, 28, 29. The forms are being transferred from the Act to the regulations.



**23.** Section 57 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 57,  
re-enacted

57.—(1) Where by any Act of Canada or Ontario an Order in Council or a certified copy thereof is required to be registered or deposited in a registry office, the Order or certified copy may be registered and recorded in the general register. Orders in  
Council

(2) Where an Order in Council or certified copy registered and recorded under subsection 1 contains a local description, it shall also be recorded in the abstract index. Idem

**24.**—(1) Subsection 6 of section 61 of *The Registry Act* is amended by striking out "section 43" in the fourth line and inserting in lieu thereof "subsection 1 of section 19", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 6,  
amended

(6) Where a notice of sale or a certificate of a judge under subsection 4 or 5 has been registered, the notice or certificate may be registered in any other registry office by depositing a copy thereof, certified in the manner provided by subsection 1 of section 19. Other  
registry  
offices

(2) Subsection 7 of the said section 61 is amended by striking out "pursuant to subsection 3 of section 48" in the sixth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 7,  
amended

(7) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has been registered "not in full" shall be registered until the mortgage and any assignment thereof has been duly registered and copied or reproduced in full. When mort-  
gage to be  
recorded  
in full

**25.** Sections 62 and 63 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348,  
ss. 62, 63,  
repealed

**26.** Subsection 3 of section 64 of *The Registry Act* is amended by striking out "(Form 8)" in the second line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 64,  
subs. 3,  
amended

(3) The registrar shall also endorse upon the original instrument a certificate of the re-registration in the prescribed form. Endorse-  
ment

**27.** Subsection 1 of section 65 of *The Registry Act* is amended by striking out "(Form 10)" in the second line and inserting in lieu thereof "of discharge of mortgage in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 65,  
subs. 1,  
amended

Discharge  
of mortgage

- (1) In the case of a registered mortgage, the registrar on receiving a certificate of discharge of mortgage in the prescribed form, executed by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, and duly proven in the manner provided for the proof of other instruments, shall register the certificate, and record it and every affidavit attached to or endorsed on it, at full length in the proper order, in the registry book, and number it in like manner as other instruments are required to be registered, recorded and numbered.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 2,  
amended

**28.** Subsection 2 of section 71 of *The Registry Act* is amended by striking out "(Form 11)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

Form of  
certificate  
of discharge

- (2) After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

R.S.O. 1960,  
c. 348, s. 72,  
amended

**29.** Section 72 of *The Registry Act* is amended by striking out "(Form 12)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows:

Discharge  
of instru-  
ment given  
in relation  
to purchase  
of goods

72. Instruments of the nature mentioned in section 35 may be discharged, and the land affected thereby released therefrom, by depositing in the proper registry office a certificate of discharge in the prescribed form.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 4,  
amended

**30.** Subsection 4 of section 73 of *The Registry Act* is amended by striking out "wherever a mechanics' lien registered since the 1st day of January, 1890, has been registered for two years and no certificate of action has been registered as required by *The Mechanics' Lien Act*, and" in the fourth, fifth, sixth and seventh lines, so that the subsection shall read as follows:

Mechanics'  
liens

- (4) Where a mechanics' lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two or more years and



SECTION 30. The Act is brought into line with *The Mechanics' Lien Act*.

SECTION 31. Subsection 4 of section 75 of the Act is transferred to a more appropriate place in the Act.

Subsection 5 is obsolete; the subject-matter is now dealt with elsewhere in the Act.

SECTION 32. This new section is a temporary device to overcome certain strictures in the Act which will be removed as the over-all revision of the Act progresses.

SECTION 33. Self-explanatory.

wherever a mechanics' lien has been so registered and a certificate of action has also been registered and the certificate of action has been vacated or discharged and the order or certificate of order vacating or discharging it has been registered for two or more years, the registrar shall, wherever such mechanics' lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and the mechanics' lien is validly discharged and the certificate of action is duly vacated.

**31.** Subsections 4 and 5 of section 75 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348, s. 75,  
subss. 4, 5,  
repealed

**32.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 348,  
amended

75a.—(1) Where any provision of this Act requires or permits the registration of a sworn or notarial copy of an instrument, the instrument may be registered instead of a copy. Sworn  
copies,  
notarial  
copies

(2) Where any provision of this Act permits the registration of a sworn copy of an instrument, a notarial copy of the instrument may be registered instead of a sworn copy. Idem

(3) Where any provision of this Act permits the registration of a notarial copy of an instrument, a sworn copy of the instrument may be registered instead of a notarial copy. Idem

**33.** Section 84 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 348, s. 84,  
amended

(3) Where, after the registration of a plan of subdivision, instruments affecting land within the plan were registered that did not conform and refer thereto, the registrar shall, when he deems it necessary or when so directed by the Inspector, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2, and, where the registrar is unable without the assistance of a surveyor to determine the lots affected by the instruments, he may, with the approval of the Inspector, engage a surveyor to assist in such determination. Re-entry of  
instruments  
not referring  
to prior  
registered  
plan



R.S.O. 1960,  
c. 348, s. 85,  
re-enacted

**34.** Section 85 of *The Registry Act* is repealed and the following substituted therefor:

When  
instrument  
to be  
deemed  
registered

85. An instrument capable of and properly proved for registration and in respect of which the fees for registration have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made in the instrument.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 1,  
re-enacted

**35.**—(1) Subsection 1 of section 86 of *The Registry Act* is repealed and the following substituted therefor:

Registration  
of plans  
where land  
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan that has not been registered, the person making the survey and subdivision shall register a plan prepared by a surveyor in accordance with the regulations.

R.S.O. 1960,  
c. 348, s. 86,  
subss. 7, 9,  
repealed

(2) Subsections 7 and 9 of the said section 86 are repealed.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 17,  
re-enacted;  
subss. 18, 19,  
repealed

(3) Subsections 17, 18 and 19 of the said section 86 are repealed and the following substituted therefor:

Registrar  
not to file  
plans for  
anyone but  
owner nor  
without  
consent of  
mortgagees

(17) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, nor unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

R.S.O. 1960,  
c. 348, s. 90,  
subs. 1,  
amended

**36.** Subsection 1 of section 90 of *The Registry Act* is amended by striking out "(Form 14)" in the sixth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

When  
instruments  
not  
conforming  
to proper  
plan may be  
registered

(1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in

SECTION 34. The intent is clarified.

SECTION 35—Subsections 1 and 2. The repealed portions of subsections 1, 7 and 9 of section 86 of the Act will be dealt with in the regulations.

Subsection 3. Subsection 17 is clarified. Subsections 18 and 19 are unnecessary. The form is transferred from the Act to the regulations.

SECTION 36. The form is transferred from the Act to the regulations.



SECTION 37. The scope of the section is enlarged.

the opinion of the registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit in the prescribed form annexed thereto or endorsed thereon.

**37.** Section 96 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 96,  
re-enacted

96.—(1) The Inspector may by a direction to be known as a “restraining order” designate any area of land as a subdivision plan area, and, after the registration of the direction, no instrument of a class mentioned in the direction affecting the land shall be registered, Designation  
of sub-  
division  
plan areas

(a) unless the land is described in accordance with and is within a registered plan of subdivision;

(b) unless the land described is more than ten acres in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

(c) unless the land described is the whole part remaining to the owner of the land described in a registered conveyance to him.

(2) The Inspector may in a direction under subsection 1 designate land that, although within a registered plan of subdivision, shall be deemed not to be within a registered plan of subdivision for the purposes of this section. Registered  
plans may  
be included

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector, and such direction shall be registered and recorded in the abstract indexes of the lands affected thereby. Alteration  
and with-  
drawal of  
direction

(4) Before altering or withdrawing a direction to permit the registration of an instrument, the Inspector, Conditions

(a) may require the consent of the planning board or the Minister of Municipal Affairs to be endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

R.S.O. 1960,  
c. 296

(b) may require the land described in the instrument to be shown on a plan of survey attached to the instrument.

Order  
exempt  
under R.S.O.  
1960, c. 349

(5) A direction under this section is exempt from *The Regulations Act*.

R.S.O. 1960,  
c. 348,  
ss. 97, 98,  
repealed

**38.** Sections 97 and 98 of *The Registry Act* are repealed.

R.S.O. 1960,  
c. 348, s. 101,  
re-enacted;  
s. 102,  
repealed

**39.** Sections 101 and 102 of *The Registry Act* are repealed and the following substituted therefor:

Fees in  
cases not  
provided for

101.—(1) Where an Act requires or permits an instrument to be registered, deposited or filed in a registry office or requires a registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Inspector may fix, to be paid by the person requiring the service to be performed.

Idem

(2) Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Inspector may, subject to the regulations, fix the fee to be paid to the registrar in respect of each lot or parcel after the first.

R.S.O. 1960,  
c. 348, s. 107,  
re-enacted

**40.** Section 107 of *The Registry Act* is repealed and the following substituted therefor:

Record of  
fees, etc.

107.—(1) Every registrar shall keep a daily record of all fees and emoluments received by him in such form as is approved by the Inspector.

Annual  
return

(2) Every registrar shall make an annual return and transmit it to the Inspector on or before the 31st day of January of the year next following the year in respect of which it is made.

Form and  
content  
of return

(3) The registrar's annual return shall include such information as is required by the regulations and shall be in such form as is approved by the Inspector.

R.S.O. 1960,  
c. 348, s. 108,  
re-enacted

**41.** Section 108 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
to furnish  
municipality  
with list of  
convey-  
ances, etc.

108.—(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of the deeds, grants, quit claim deeds, vesting orders, mortgages, leases and judgments or final

SECTION 38. The sections repealed are obsolete.

SECTION 39. The intent of section 101 is clarified. The subject-matter of section 102 will be contained in the regulations.

SECTION 40. The content of each registrar's annual return to the Inspector of Legal Offices is to be set out in the regulations and not in the Act.

SECTION 41. Subsection 1 of section 108 of the Act is re-enacted to provide that the list of registered conveyances now furnished to municipalities for assessment purposes will in future include certain other types of instruments by which ownership is transferred, or, on the other hand, such only as are requested.



Subsection 2 of section 108 is repealed. The fee will be set by the regulations.

The new subsection 2 of section 108 is self-explanatory.

SECTION 42. The new subsections give statutory authority to the existing practices.

SECTION 43. The section is obsolete. It is therefore repealed.

SECTION 44. These amendments are designed to facilitate administration.



orders of foreclosure, or such of them as are specified in the request, that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such instrument, the names and addresses of the parties, the consideration and a short description of the land.

- (2) The registrar may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the registrar is entitled to such fee as is agreed upon by the registrar and the council and approved by the Inspector.

Photo-graphic or electrostatic copies

**42.** Section 109 of *The Registry Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 348, s. 109, amended

- (4) Where the registrar's remuneration is fixed under subsection 3, he shall pay to the treasurer, in lieu of the percentages mentioned in subsection 2, the excess of his net income over such fixed remuneration, and, for the purpose of this Act, any reference to such percentages shall be deemed to be a reference to such excess.

Payment of surplus where remuneration fixed

- (5) Where a registrar is also local master of titles, his net income upon which the percentages are to be computed shall be his net income received from the combined offices.

Where registrar also local master

- (6) A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as local master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.

Registrars in the districts

**43.** Section 112 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 112, repealed

**44.—**(1) Subsection 1 of section 113 of *The Registry Act* is amended by striking out "On the 15th day of January in each year" at the commencement thereof, so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 113, subs. 1, amended

- (1) Every registrar shall transmit to the treasurer of the county or city for which, or for part of which, he is registrar a duplicate of the return required by section 107, and shall also pay to such treasurer for the use of the municipality the percentages required by this Act to be paid by him.

Surplus fees

R.S.O. 1960,  
c. 348, s. 113,  
amended (2) The said section 113 is amended by adding thereto the following subsections:

When  
payment  
to be made

- (3) The registrar shall transmit the duplicate of the return and pay 70 per cent of the percentages in accordance with subsections 1 and 2 on or before the 31st day of January in each year, and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct or on the 31st day of March of the same year, whichever occurs first.

Application

- (4) This section does not apply to a registrar in a provisional judicial district.

R.S.O. 1960,  
c. 348, s. 116,  
re-enacted **45.** Section 116 of *The Registry Act* is repealed and the following substituted therefor:

Certain  
fees not  
within  
s. 109,  
subs. 2

- 116.—(1) In ascertaining the percentages payable under this Act, there shall not be included in the fees and emoluments any sum receivable from a municipality for the preparation of abstract indexes, or for work done under section 26, or subsection 5 of section 88, or section 108.

When  
subs. 1 does  
not apply

- (2) Subsection 1 does not apply to a registrar whose remuneration is fixed under subsection 3 of section 109 unless the Inspector otherwise orders.

Saving,  
elections  
R.S.O. 1960,  
c. 118  
1960, c. 39  
(Can.)

- (3) Nothing in this Act applies to fees or emoluments received on account of services under *The Election Act* or the *Canada Elections Act*.

R.S.O. 1960,  
c. 348, s. 118,  
repealed

**46.** Section 118 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
amended

**47.** *The Registry Act* is amended by adding thereto the following section:

Assistant  
Inspector

- 124a. The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Assistant Inspector of Legal Offices, and, in the absence of the Inspector or if the office of Inspector is vacant or if directed by the Inspector, the Assistant Inspector of Legal Offices has the powers and may perform the duties of the Inspector under this or any other Act.

R.S.O. 1960,  
c. 348, s. 126,  
re-enacted;  
s. 127,  
repealed

**48.** Section 126 and section 127, as amended by section 2 of *The Registry Amendment Act, 1961-62*, of *The Registry Act* are repealed and the following substituted therefor:

SECTION 45. The section is brought into line with existing practices.

SECTION 46. The operative part of the repealed section has been transferred to section 109 of the Act. See section 42 of this Bill.

SECTION 47. Self-explanatory.

SECTION 48. The present section 126, which contains special provisions relating to Toronto, is obsolete. It is therefore repealed.

The present section 127, which authorizes regulations, is re-enacted as section 126 and is brought into line with the new concept of the Act.



126.—(1) The Lieutenant Governor in Council may make **Regulations** regulations,

- (a) describing the registry divisions;
- (b) prescribing the terms of employment of registrars, deputy registrars, clerks and other employees in registry offices;
- (c) for the management of registry offices, including the registers, plans, instruments and other books, documents and records to be kept and the method in which fees and other receipts of the office shall be collected, kept and accounted for;
- (d) prescribing the furnishing, equipment and accommodation to be provided in registry offices;
- (e) governing the custody and destruction of instruments and records in registry offices;
- (f) prescribing standards for surveys and plans of land to which this Act applies;
- (g) governing the method of describing land in instruments tendered for registration;
- (h) prescribing the minimum dimensions of instruments tendered for registration;
- (i) respecting the quality of writing and material used in instruments tendered for registration and in duplicates and copies required by this Act;
- (j) prescribing methods and standards of recording by photographic film and providing for the storage thereof;
- (k) governing the content of alphabetical indexes and dispensing therewith in any registry division;
- (l) prescribing the information to be included in annual returns of registrars;
- (m) requiring the payment of fees to registrars upon the performance of any official function under this Act and prescribing the amounts thereof;



- (n) prescribing forms and providing for their use;
- (o) prescribing anything that by this Act is required to be prescribed by the regulations;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application  
of  
regulations

- (2) The application of any provision of the regulations made under subsection 1 may be limited to one or more registry divisions.

R.S.O. 1960,  
c. 348, s. 128,  
repealed

- 49.** Section 128 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
Forms,  
repealed

- 50.** Forms 1 to 15 of *The Registry Act* are repealed.

1957, c. 107,  
s. 4, subs. 2,  
repealed

- 51.** Subsection 2 of section 4 of *The Registry Amendment Act, 1957* is repealed.

Validity  
of prior  
registrations  
not  
affected

- 52.** No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

When annual  
return to be  
made and  
surplus fees  
to be  
paid over

- 53.** Section 107 of *The Registry Act*, as re-enacted by section 40 of this Act, and section 113 of *The Registry Act*, as amended by section 44 of this Act, apply in respect of income of the year 1963 and subsequent years.

Commence-  
ment

- 54.—**(1) This Act, except as provided in subsections 2 and 3, shall be deemed to have come into force on the 1st day of January, 1963.

Idem

- (2) Sections 17 and 23 come into force on the day this Act receives Royal Assent.

Idem

- (3) Sections 3, 5, 6, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 26, 27, 28, 29, 35, 36, 41 and 50 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 55.** This Act may be cited as *The Registry Amendment Act, 1962-63*.

SECTIONS 49 and 51. These provisions are obsolete. They are therefore repealed.

SECTION 50. The forms are being transferred from the Act to the regulations.

SECTION 52. Self-explanatory.

SECTION 53. The changes are made effective so as not to apply to 1962 revenue.

1. The first of these is the fact that the...
2. The second is the fact that the...
3. The third is the fact that the...

The first of these is the fact that the...

The second is the fact that the...

The third is the fact that the...

The fourth is the fact that the...

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The sixth is the fact that the...

The seventh is the fact that the...

The eighth is the fact that the...

The ninth is the fact that the...

Expenditure on the ...  
(1874-1875)

General account of the ...

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An Act to amend The Registry Act

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*1st Reading*

February 6th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

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MR. CASS

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*(Reprinted for consideration by the  
Committee of the Whole House)*



# **BILL 45**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Registry Act**

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**MR. CASS**

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THE UNIVERSITY OF CHICAGO  
LIBRARY

THE UNIVERSITY OF CHICAGO

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BILL 45

1962-63

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act* is amended by adding thereto the following clauses: R.S.O. 1960.  
c. 348, s. 1.  
amended

(ea) "local description" means a description of land drawn in accordance with the regulations;

. . . . .

(ga) "prescribed" means prescribed by this Act or the regulations;

(gb) "registered" means registered under this Act;

(gc) "regulations" means the regulations made under this Act;

(gd) "surveyor" means an Ontario land surveyor authorized to practise under *The Surveyors Act*. R.S.O. 1960.  
c. 389

2. Section 5 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960.  
c. 348, s. 5.  
amended

(3) Notwithstanding subsection 1, where a county or district court house or administration building is outside the county or district town, the registry office for a registry division that includes the whole or part of the county or district town may, with the approval of the Lieutenant Governor in Council, be situated in the court house or administration building. Idem

3. Section 11 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 11,  
repealed

4. Section 13 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 13,  
re-enacted

Oath of  
office,  
registrar

13. Every registrar and deputy registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Inspector.

R.S.O. 1960,  
c. 348, s. 14,  
subs. 3,  
repealed

5. Subsection 3 of section 14 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 17,  
re-enacted

6. Section 17 of *The Registry Act* is repealed and the following substituted therefor:

Abstracts

- 17.—(1) Upon receipt of a request therefor and the prescribed fees, a registrar shall furnish an abstract in the prescribed form in respect of any land that is in his registry division and,

- (a) that consists of a lot as described in a patent from the Crown or a lot that appears on a registered plan; or
- (b) that consists of an identifiable part of such a lot.

What not  
to be  
included

- (2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract,

- (a) an extract of any instrument that has been marked off the abstract index pursuant to section 73; or
- (b) an extract of any mortgage, certificate of *lis pendens* or claim for mechanics' lien that was registered before the 1st day of January, 1890, where an instrument purporting to discharge or vacate such a mortgage, certificate or claim was registered ten or more years before the date of the request; or
- (c) an extract of any instrument dealing exclusively with a mortgage, certificate of *lis pendens* or claim for mechanics' lien mentioned in clause b.

Idem, on  
request

- (3) Where a request for an abstract so specifies, the registrar shall not include in the abstract,

- (a) an extract of a mortgage or of any other instrument dealing exclusively with the mortgage where an instrument purporting to be a discharge of the mortgage has been registered; or



(b) an extract of any instrument of any other class mentioned in the request.

(4) Unless otherwise specified in the request for an abstract, the first instrument to be extracted for the abstract shall be, <sup>Commencement</sup>

(a) the last conveyance registered next before the date forty years before the date of the request; or

(b) where there is registered a certificate of title under *The Quieting Titles Act*, such certificate; <sup>R.S.O. 1960, c. 340</sup> or

(c) where there is registered a certificate of title under *The Certification of Titles Act*, the first instrument registered after the effective date of the certificate. <sup>R.S.O. 1960, c. 48</sup>

(5) Where no conveyance of the type mentioned in subsection 4 was registered after the grant of the land from the Crown, the first instrument to be extracted for the abstract shall be the Crown grant. <sup>Crown grant</sup>

(6) Except as provided in subsections 2 and 3, an abstract shall include extracts of all instruments affecting the land that were registered after the first instrument mentioned in subsection 4 or after the Crown grant mentioned in subsection 5 and that have been recorded in the abstract index for the land. <sup>Subsequent instruments</sup>

17a. Upon receipt of a request in writing and the prescribed fees, a registrar, <sup>Production of instruments, etc., copies</sup>

(a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to any such instrument; and

(b) shall supply a copy of the whole or a part of any instrument registered in his office.

7.—(1) Subsection 2 of section 20 of *The Registry Act* is repealed. <sup>R.S.O. 1960, c. 348, s. 20, subs. 2, repealed</sup>

(2) Subsections 5 and 6 of the said section 20 are repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 348, s. 20, subs. 5, 6, re-enacted</sup>



By-law  
index

- (5) The registrar shall keep a by-law index in which he shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law.

By-law to  
contain  
description  
of land,  
exception

- (5a) No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected.

Authentica-  
tion of  
by-laws

- (5b) A by-law of a municipality may be registered by the production of a duplicate original or a copy of the by-law certificated by the clerk of the municipality under its seal.

No entry of  
by-law in  
general  
register

- (6) No entry in respect of a by-law shall be made in the general register.

R.S.O. 1960,  
c. 348, s. 20,  
subs. 8,  
re-enacted

- (3) Subsection 8 of the said section 20 is repealed and the following substituted therefor:

General  
register

- (8) The following instruments may be recorded in the general register:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.
6. Powers of attorney.
7. Certificates or copies of orders made under *The Mental Incompetency Act*.
8. General certificates of payment of succession duties.
9. General bars of dower.
10. Sworn copies of licences in mortmain.
11. Sworn copies of certificates of amalgamation of loan or trust corporations.

R.S.O. 1960,  
c. 237

12. Sworn copies of letters patent changing names of corporations or amalgamating corporations.
13. Orders in Council or certified copies thereof.

14. Claims for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right of way of a railway company. R.S.O. 1960, c. 233

8. Sections 23 and 24 of *The Registry Act* are repealed.

R.S.O. 1960, c. 348, ss. 23, 24, repealed

9.—(1) Subsection 1 of section 26 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 26, subs. 1, re-enacted

- (1) Where any book, from age or use, is becoming obliterated or unfit for further use, the Inspector may order it to be copied so far as it can be deciphered by examination thereof and of the original instruments or memorials relating thereto.

When any book becomes unfit for further use, copy to be made

(2) The said section 26 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 348, s. 26, amended

- (7) The Inspector may by order in writing determine the fee to be paid to the registrar for services performed under this section.

Fee

10. Section 27 of *The Registry Act* is amended by striking out "sections 24 and" in the second line and inserting in lieu thereof "section", so that the section shall read as follows:

R.S.O. 1960, c. 348, s. 27, amended

27. Subject to section 28, the fees and expenses for services rendered under section 26 shall be paid by the treasurer of the county, and a town separated from the county for municipal purposes and a city for which there is not a separate registry office shall pay to the county such equitable proportion thereof as the Inspector shall direct.

Payment for services under s. 26

11. Subsection 1 of section 29 of *The Registry Act* is amended by striking out "(Form 3)" in the first line and inserting in lieu thereof "in the prescribed form" and by striking out "as defined" in the fourth line and inserting in lieu thereof "that appears", so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 29, subs. 1, amended

- (1) The registrar, in a book in the prescribed form, called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision of such land into smaller sections or lots.

Abstract index of lots

R.S.O. 1960, c. 348, s. 30, re-enacted **12.** Section 30 of *The Registry Act* is repealed and the following substituted therefor:

Alphabetical  
index

30. Subject to the regulations, the registrar shall keep an alphabetical index of names in the prescribed form and containing such information as is prescribed.

R.S.O. 1960, c. 348, s. 33, subs. 1, 2, re-enacted; subs. 3-6, repealed

**13.** Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor:

Local  
description  
required

- (1) Except as provided by subsections 5a and 8 of section 20, an instrument that does not contain a local description of the land affected thereby shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description.

Registration  
of declaration  
as to  
lands  
affected

- (2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1.

R.S.O. 1960, c. 348, s. 34, subs. 1, re-enacted

**14.** Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor:

Where  
affidavit  
of witness  
required

- (1) No instrument, except a will, a grant or lease from the Crown, an Order in Council, an instrument that purports to be executed by an officer of the Government of Ontario, a by-law or an instrument under the seal of a corporation, a certificate of judicial proceedings, a plan or a plan and description in respect of expropriated land, an instrument under section 3, 6 or 13 of *The Highway Improvement Act*, a consent under section 26 of *The Planning Act*, a copy of an instrument certified under section 43, or a sworn or notarial copy of an instrument where such copy may be registered, shall be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed it.

R.S.O. 1960, c. 171, 296



15. Section 35 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 35,  
re-enacted

35. An instrument not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of goods or in respect of an advance or loan of money, shall not be registered unless an affidavit in the prescribed form is made on or securely attached to the instrument. Affidavit of  
execution in  
case of  
instruments  
given in  
respect of  
purchase or  
delivery of  
goods

16. Section 40 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 40,  
re-enacted

40. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall register the instrument and certificate. Where  
affidavit  
of witness  
not  
required

17. Section 42 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 42,  
re-enacted

42.—(1) A judgment or order of a court or judge affecting land may be registered in the registry office of the registry division in which the land is situate by registering therein, Judgments  
and orders  
affecting  
land

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(b) a copy of the judgment or order certified as such by the proper officer of the court.

(2) No judgment or final order of foreclosure of a mortgage shall be registered except by way of a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of the mortgage. Number of  
mortgage to  
be included  
in certifi-  
cate of  
foreclosure

18. Section 43 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 43,  
re-enacted

Registration  
of certified  
copies,  
powers of  
attorney,  
etc.

43. There may be registered,

- (a) a copy of an instrument certified under the hand and seal of the registrar, proper master of titles or clerk of a county or district court in whose office the instrument is registered; or
- (b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited.

R.S.O. 1960,  
c. 348, s. 48,  
re-enacted

19. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

Mortgages  
not to be  
recorded  
in full

- 48.—(1) Notwithstanding section 47 and except as otherwise provided in subsections 2 and 3, it is not necessary to record in full in the registry book a registered mortgage that has endorsed upon it the words "Not to be recorded in full".

Entry in  
copy book

- (2) Where a mortgage has been registered in a registry office for a registry division other than a registry division designated under section 32, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt which have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent  
registry  
in full

- (3) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.



- (4) Any mortgage of land in a registry division designated under section 32 shall be completely recorded on photographic film where the mortgage is registered after the 1st day of January, 1963, or after such designation, whichever is the later. Recording mortgage on photographic film

- (5) For the purposes of this section, a deed of trust and mortgage and any supplemental indenture shall be deemed to be a mortgage and to be endorsed "Not to be recorded in full". Bond mortgages

- 48a. Notwithstanding anything in this Act, it is not necessary to record an instrument in any registry book if the instrument is completely recorded on photographic film. Where recording in copy book, etc., not required

**20.** Subsection 1 of section 49 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 49, subs. 1, re-enacted

- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration under section 43, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall, if the instrument is otherwise capable of registration, register the instrument and certificate. Registration of power of attorney when instrument executed by attorney

**21.** Section 50 of *The Registry Act* is amended by striking out "(Form 8)" in the third line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows: R.S.O. 1960, c. 348, s. 50, amended

50. Where an instrument in two or more original parts is registered, the registrar shall endorse upon each of the parts a certificate of the registration in the prescribed form, and any part so certified shall be received as *prima facie* evidence of the registration of the instrument and of the due execution of the same. Instrument in two or more parts

**22.** Sections 54 and 55 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, ss. 54, 55, re-enacted

- Registration numbers** 54.—(1) Except as provided by subsection 5, all instruments shall be numbered consecutively in order of time of being registered.
- Idem** (2) Where two or more instruments affecting the same land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received.
- Time of receipt** (3) The year, month, day, hour and minute at which an instrument is registered shall be endorsed thereon.
- Priorities, how established** (4) For the purpose of section 77, priorities shall, subject to subsection 5, be determined in accordance with the respective registration numbers.
- Idem** (5) A separate series of registration numbers shall be used for plans of subdivision and for any other class of instrument that may be approved by the Inspector, and, for the purposes of section 77, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon.
- Manner of registration** 55.—(1) Upon registration of an instrument, the registrar,
- (a) shall cause to be endorsed upon it and upon the duplicate thereof, if any, received with it a certificate in the prescribed form; and
  - (b) shall cause it to be recorded,
    - (i) on photographic film or in the proper registry book, and
    - (ii) in the proper abstract index, or in the general register index, or in the by-law index, and
    - (iii) subject to the regulations, in the alphabetical index.
- Certificate proof of registration** (2) A certificate endorsed upon an instrument or duplicate under clause *a* of subsection 1 is receivable by any court as proof of registration of the instrument.
- Custody of registered instruments** (3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 19, section 74 and the regulations, shall be retained in the custody of the registrar in his office.
- Exception as to plans** (4) Subclauses *i* and *iii* of clause *b* of subsection 1 do not apply in the case of a plan of subdivision or other registered plan.



**23.** Section 57 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 348, s. 57,  
re-enacted

57.—(1) Where by any Act of Canada or Ontario an Order in Council or a certified copy thereof is required to be registered or deposited in a registry office, the Order or certified copy may be registered and recorded in the general register. Orders in  
Council

(2) Where an Order in Council or certified copy registered and recorded under subsection 1 contains a local description, it shall also be recorded in the abstract index. Idem

**24.**—(1) Subsection 6 of section 61 of *The Registry Act* is amended by striking out "section 43" in the fourth line and inserting in lieu thereof "subsection 1 of section 19", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 6,  
amended

(6) Where a notice of sale or a certificate of a judge under subsection 4 or 5 has been registered, the notice or certificate may be registered in any other registry office by depositing a copy thereof, certified in the manner provided by subsection 1 of section 19. Other  
registry  
offices

(2) Subsection 7 of the said section 61 is amended by striking out "pursuant to subsection 3 of section 48" in the sixth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 61,  
subs. 7,  
amended

(7) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has been registered "not in full" shall be registered until the mortgage and any assignment thereof has been duly registered and copied or reproduced in full. When mort-  
gage to be  
recorded  
in full

**25.** Sections 62 and 63 of *The Registry Act* are repealed. R.S.O. 1960,  
c. 348,  
ss. 62, 63,  
repealed

**26.** Subsection 3 of section 64 of *The Registry Act* is amended by striking out "(Form 8)" in the second line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 64,  
subs. 3,  
amended

(3) The registrar shall also endorse upon the original instrument a certificate of the re-registration in the prescribed form. Endorse-  
ment

**27.** Subsection 1 of section 65 of *The Registry Act* is amended by striking out "(Form 10)" in the second line and inserting in lieu thereof "of discharge of mortgage in the prescribed form", so that the subsection shall read as follows: R.S.O. 1960,  
c. 348, s. 65,  
subs. 1,  
amended

Discharge  
of mortgage

- (1) In the case of a registered mortgage, the registrar on receiving a certificate of discharge of mortgage in the prescribed form, executed by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, and duly proven in the manner provided for the proof of other instruments, shall register the certificate, and record it and every affidavit attached to or endorsed on it, at full length in the proper order, in the registry book, and number it in like manner as other instruments are required to be registered, recorded and numbered.

R.S.O. 1960,  
c. 348, s. 71,  
subs. 2,  
amended

**28.** Subsection 2 of section 71 of *The Registry Act* is amended by striking out "(Form 11)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the subsection shall read as follows:

Form of  
certificate  
of discharge

- (2) After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

R.S.O. 1960,  
c. 348, s. 72,  
amended

**29.** Section 72 of *The Registry Act* is amended by striking out "(Form 12)" in the fourth line and inserting in lieu thereof "in the prescribed form", so that the section shall read as follows:

Discharge  
of instru-  
ment given  
in relation  
to purchase  
of goods

72. Instruments of the nature mentioned in section 35 may be discharged, and the land affected thereby released therefrom, by depositing in the proper registry office a certificate of discharge in the prescribed form.

R.S.O. 1960,  
c. 348, s. 73,  
subs. 4,  
amended

**30.** Subsection 4 of section 73 of *The Registry Act* is amended by striking out "wherever a mechanics' lien registered since the 1st day of January, 1890, has been registered for two years and no certificate of action has been registered as required by *The Mechanics' Lien Act*, and" in the fourth, fifth, sixth and seventh lines, so that the subsection shall read as follows:

Mechanics'  
liens

- (4) Where a mechanics' lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two or more years and



wherever a mechanics' lien has been so registered and a certificate of action has also been registered and the certificate of action has been vacated or discharged and the order or certificate of order vacating or discharging it has been registered for two or more years, the registrar shall, wherever such mechanics' lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and the mechanics' lien is validly discharged and the certificate of action is duly vacated.

**31.** Subsections 4 and 5 of section 75 of *The Registry Act* are repealed. R.S.O. 1960, c. 348, s. 75, subss. 4, 5, repealed

**32.** *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

75a.—(1) Where any provision of this Act requires or permits the registration of a sworn or notarial copy of an instrument, the instrument may be registered instead of a copy. Sworn copies, notarial copies

(2) Where any provision of this Act permits the registration of a sworn copy of an instrument, a notarial copy of the instrument may be registered instead of a sworn copy. Idem

(3) Where any provision of this Act permits the registration of a notarial copy of an instrument, a sworn copy of the instrument may be registered instead of a notarial copy. Idem

**33.** Section 84 of *The Registry Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 84, amended

(3) Where, after the registration of a plan of subdivision, instruments affecting land within the plan were registered that did not conform and refer thereto, the registrar shall, when he deems it necessary or when so directed by the Inspector, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2, and, where the registrar is unable without the assistance of a surveyor to determine the lots affected by the instruments, he may, with the approval of the Inspector, engage a surveyor to assist in such determination. Re-entry of instruments not referring to prior registered plan



R.S.O. 1960,  
c. 348, s. 85,  
re-enacted

**34.** Section 85 of *The Registry Act* is repealed and the following substituted therefor:

When  
instrument  
to be  
deemed  
registered

85. An instrument capable of and properly proved for registration and in respect of which the fees for registration have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made in the instrument.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 1,  
re-enacted

**35.**—(1) Subsection 1 of section 86 of *The Registry Act* is repealed and the following substituted therefor:

Registration  
of plans  
where land  
subdivided

(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan that has not been registered, the person making the survey and subdivision shall register a plan prepared by a surveyor in accordance with the regulations.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 7, 9,  
repealed

(2) Subsections 7 and 9 of the said section 86 are repealed.

R.S.O. 1960,  
c. 348, s. 86,  
subs. 17,  
re-enacted;  
subs. 18, 19,  
repealed

(3) Subsections 17, 18 and 19 of the said section 86 are repealed and the following substituted therefor:

Registrar  
not to file  
plans for  
anyone but  
owner nor  
without  
consent of  
mortgagees

(17) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, nor unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

R.S.O. 1960,  
c. 348, s. 90,  
subs. 1,  
amended

**36.** Subsection 1 of section 90 of *The Registry Act* is amended by striking out “(Form 14)” in the sixth line and inserting in lieu thereof “in the prescribed form”, so that the subsection shall read as follows:

When  
instruments  
not  
conforming  
to proper  
plan may be  
registered

(1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in

the opinion of the registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit in the prescribed form annexed thereto or endorsed thereon.

**37.** Section 96 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 96;  
re-enacted

96.—(1) The Inspector may by a direction to be known as a “restraining order” designate any area of land as a subdivision plan area, and, after the registration of the direction, no instrument of a class mentioned in the direction affecting the land shall be registered,

Designation  
of sub-  
division  
plan areas

(a) unless the land is described in accordance with and is within a registered plan of subdivision;

(b) unless the land described is more than ten acres in area and the unaffected remnant, if any, remaining in the owner is also ten acres or more; or

(c) unless the land described is the whole part remaining to the owner of the land described in a registered conveyance to him.

(2) The Inspector may in a direction under subsection 1 designate land that, although within a registered plan of subdivision, shall be deemed not to be within a registered plan of subdivision for the purposes of this section.

Registered  
plans may  
be included

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector, and such direction shall be registered and recorded in the abstract indexes of the lands affected thereby.

Alteration  
and with-  
drawal of  
direction

(4) Before altering or withdrawing a direction to permit the registration of an instrument, the Inspector,

Conditions

(a) may require the consent of the planning board or the Minister of Municipal Affairs to be endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

R.S.O. 1960,  
c. 296

(b) may require the land described in the instrument to be shown on a plan of survey attached to the instrument.



Order  
exempt  
under R.S.O.  
1960, c. 349

- (5) A direction under this section is exempt from *The Regulations Act*.

R.S.O. 1960,  
c. 348,  
ss. 97, 98,  
repealed

- 38.** Sections 97 and 98 of *The Registry Act* are repealed.

R.S.O. 1960,  
c. 348, s. 101,  
re-enacted;  
s. 102,  
repealed

- 39.** Sections 101 and 102 of *The Registry Act* are repealed and the following substituted therefor:

Fees in  
cases not  
provided for

- 101.—(1) Where an Act requires or permits an instrument to be registered, deposited or filed in a registry office or requires a registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Inspector may fix, to be paid by the person requiring the service to be performed.

Idem

- (2) Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Inspector may, subject to the regulations, fix the fee to be paid to the registrar in respect of each lot or parcel after the first.

R.S.O. 1960,  
c. 348, s. 107,  
re-enacted

- 40.** Section 107 of *The Registry Act* is repealed and the following substituted therefor:

Record of  
fees, etc.

- 107.—(1) Every registrar shall keep a daily record of all fees and emoluments received by him in such form as is approved by the Inspector.

Annual  
return

- (2) Every registrar shall make an annual return and transmit it to the Inspector on or before the 31st day of January of the year next following the year in respect of which it is made.

Form and  
content  
of return

- (3) The registrar's annual return shall include such information as is required by the regulations and shall be in such form as is approved by the Inspector.

R.S.O. 1960,  
c. 348, s. 108,  
re-enacted

- 41.** Section 108 of *The Registry Act* is repealed and the following substituted therefor:

Registrar  
to furnish  
municipality  
with list of  
convey-  
ances, etc.

- 108.—(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of the deeds, grants, quit claim deeds, vesting orders, mortgages, leases and judgments or final

orders of foreclosure, or such of them as are specified in the request, that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such instrument, the names and addresses of the parties, the consideration and a short description of the land.

- (2) The registrar may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the registrar is entitled to such fee as is agreed upon by the registrar and the council and approved by the Inspector.

Photo-graphic or electrostatic copies

**42.** Section 109 of *The Registry Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 348, s. 109, amended

- (4) Where the registrar's remuneration is fixed under subsection 3, he shall pay to the treasurer, in lieu of the percentages mentioned in subsection 2, the excess of his net income over such fixed remuneration, and, for the purpose of this Act, any reference to such percentages shall be deemed to be a reference to such excess.

Payment of surplus where remuneration fixed

- (5) Where a registrar is also local master of titles, his net income upon which the percentages are to be computed shall be his net income received from the combined offices.

Where registrar also local master

- (6) A registrar in a provisional judicial district shall pay monthly to the Treasurer of Ontario the excess of his gross income, including income earned by him as local master of titles, over the disbursements authorized under section 119 and shall forward every such payment to the Inspector, together with a monthly return in such form as is approved by the Inspector.

Registrars in the districts

**43.** Section 112 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 112, repealed

**44.—**(1) Subsection 1 of section 113 of *The Registry Act* is amended by striking out "On the 15th day of January in each year" at the commencement thereof, so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 113, subs. 1, amended

- (1) Every registrar shall transmit to the treasurer of the county or city for which, or for part of which, he is registrar a duplicate of the return required by section 107, and shall also pay to such treasurer for the use of the municipality the percentages required by this Act to be paid by him.

Surplus fees



R.S.O. 1960, c. 348, s. 113, amended (2) The said section 113 is amended by adding thereto the following subsections:

When payment to be made

(3) The registrar shall transmit the duplicate of the return and pay 70 per cent of the percentages in accordance with subsections 1 and 2 on or before the 31st day of January in each year, and shall pay the balance when the Inspector notifies the registrar that his annual return has been audited and found to be correct or on the 31st day of March of the same year, whichever occurs first:

Application

(4) This section does not apply to a registrar in a provisional judicial district.

R.S.O. 1960, c. 348, s. 116, re-enacted

45. Section 116 of *The Registry Act* is repealed and the following substituted therefor:

Certain fees not within s. 109, subs. 2

116.—(1) In ascertaining the percentages payable under this Act, there shall not be included in the fees and emoluments any sum receivable from a municipality for the preparation of abstract indexes, or for work done under section 26, or subsection 5 of section 88, or section 108.

When subs. 1 does not apply

(2) Subsection 1 does not apply to a registrar whose remuneration is fixed under subsection 3 of section 109 unless the Inspector otherwise orders.

Saving elections

R.S.O. 1960, c. 118  
1960, c. 39  
(Can.)

(3) Nothing in this Act applies to fees or emoluments received on account of services under *The Election Act* or the *Canada Elections Act*.

R.S.O. 1960, c. 348, s. 118, repealed

46. Section 118 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, amended

47. *The Registry Act* is amended by adding thereto the following section:

Assistant Inspector

124a. The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Assistant Inspector of Legal Offices, and, in the absence of the Inspector or if the office of Inspector is vacant or if directed by the Inspector, the Assistant Inspector of Legal Offices has the powers and may perform the duties of the Inspector under this or any other Act.

R.S.O. 1960, c. 348, s. 126, re-enacted; s. 127, repealed

48. Section 126 and section 127, as amended by section 2 of *The Registry Amendment Act, 1961-62*, of *The Registry Act* are repealed and the following substituted therefor:

126.—(1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) describing the registry divisions;
- (b) prescribing the terms of employment of registrars, deputy registrars, clerks and other employees in registry offices;
- (c) for the management of registry offices, including the registers, plans, instruments and other books, documents and records to be kept and the method in which fees and other receipts of the office shall be collected, kept and accounted for;
- (d) prescribing the furnishing, equipment and accommodation to be provided in registry offices;
- (e) governing the custody and destruction of instruments and records in registry offices;
- (f) prescribing standards for surveys and plans of land to which this Act applies;
- (g) governing the method of describing land in instruments tendered for registration;
- (h) prescribing the minimum dimensions of instruments tendered for registration;
- (i) respecting the quality of writing and material used in instruments tendered for registration and in duplicates and copies required by this Act;
- (j) prescribing methods and standards of recording by photographic film and providing for the storage thereof;
- (k) governing the content of alphabetical indexes and dispensing therewith in any registry division;
- (l) prescribing the information to be included in annual returns of registrars;
- (m) requiring the payment of fees to registrars upon the performance of any official function under this Act and prescribing the amounts thereof;

- (n) prescribing forms and providing for their use;
- (o) prescribing anything that by this Act is required to be prescribed by the regulations;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application  
of  
regulations

- (2) The application of any provision of the regulations made under subsection 1 may be limited to one or more registry divisions.

R.S.O. 1960,  
c. 348, s. 128,  
repealed

- 49.** Section 128 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348,  
Forms,  
repealed

- 50.** Forms 1 to 15 of *The Registry Act* are repealed.

1957, c. 107,  
s. 4, subs. 2,  
repealed

- 51.** Subsection 2 of section 4 of *The Registry Amendment Act, 1957* is repealed.

Validity  
of prior  
registrations  
not  
affected

- 52.** No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

When annual  
return to be  
made and  
surplus fees  
to be  
paid over

- 53.** Section 107 of *The Registry Act*, as re-enacted by section 40 of this Act, and section 113 of *The Registry Act*, as amended by section 44 of this Act, apply in respect of income of the year 1963 and subsequent years.

Commence-  
ment

- 54.—(1)** This Act, except as provided in subsections 2 and 3, shall be deemed to have come into force on the 1st day of January, 1963.

Idem

- (2) Sections 17 and 23 come into force on the day this Act receives Royal Assent.

Idem

- (3) Sections 3, 5, 6, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 26, 27, 28, 29, 35, 36, 41 and 50 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 55.** This Act may be cited as *The Registry Amendment Act, 1962-63*.







An Act to amend The Registry Act

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*1st Reading*

February 6th, 1963

*2nd Reading*

February 14th, 1963

*3rd Reading*

April 26th, 1963

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MR. CASS

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# **BILL 46**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Retail Sales Tax Act, 1960-61**

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**MR. ALLAN (Haldimand-Norfolk)**

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EXPLANATORY NOTES

SECTION 1—Subsection 1. The adjusted definition of “purchaser” brings in any person who acquires anything for his own consumption or use in Ontario.

Subsection 2. The additional clause widens the definition of “sale” to include the tangible personal property that a person manufactures for his own consumption or use.

SECTION 2—Subsection 1. This amendment clarifies the intent.

BILL 46

1962-63

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 91, s. 1, par. 8, re-enacted</sup>

8. "purchaser" means a consumer who acquires tangible personal property at a sale anywhere for his own consumption or use in Ontario, or for the consumption or use in Ontario of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use in Ontario by such principal or other persons at his expense.

(2) Paragraph 11 of the said section 1 is amended by <sup>1960-61, c. 91, s. 1, par. 11, amended</sup> adding thereto the following clause:

- (g) the production, fabrication, processing, printing or imprinting of tangible personal property by a person for his own consumption or use when that person furnishes either directly or indirectly the materials and labour used in such production, fabrication, processing, printing or imprinting.

2.—(1) Section 5 of *The Retail Sales Tax Act, 1960-61*, as <sup>1960-61, c. 91, s. 5, amended</sup> amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by striking out "The following classes of tangible personal property are exempt from the tax imposed by this Act" in the first and second lines and inserting in lieu thereof "The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act", so that the section, exclusive of the paragraphs, shall read as follows:



## Exemptions

5. The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act:

1960-61,  
c. 91, s. 5,  
par. 17,  
amended

- (2) Paragraph 17 of the said section 5 is amended by adding at the commencement thereof "paper twine", so that the paragraph shall read as follows:

17. paper twine, binder twine, baler twine, baler wire and barbed wire.

1960-61,  
c. 91, s. 5,  
amended

- (3) The said section 5 is further amended by adding thereto the following paragraph:

60. tangible personal property purchased at a price of less than 21 cents.

1960-61,  
c. 91, s. 5a  
(1961-62,  
c. 126, s. 4),  
subs. 2,  
amended

3. Subsection 2 of section 5a of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "or" in the fourth line and by inserting after "daughter-in-law" in the fourth line "father-in-law or mother-in-law", so that the subsection shall read as follows:

Interpre-  
tation

- (2) In subsection 1, "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.

Commence-  
ment

- 4.—(1) This Act, except subsection 3 of section 2, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 3 of section 2 shall be deemed to have come into force on the 8th day of February, 1963.

Short title

5. This Act may be cited as *The Retail Sales Tax Amendment Act, 1962-63*.

Subsection 2. Paper twine is added to the list of exemptions in paragraph 17.

Subsection 3. Tangible personal property purchased at a price of less than 21 cents rather than at 17 cents is made exempt from tax.

SECTION 3. The definition of members of a family is widened to include father-in-law and mother-in-law.







An Act to amend  
The Retail Sales Tax Act, 1960-61

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*1st Reading*

February 7th, 1963

*2nd Reading*

*3rd Reading*

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MR. ALLAN (Haldimand-Norfolk)

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# **BILL 46**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Retail Sales Tax Act, 1960-61**

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**MR. ALLAN (Haldimand-Norfolk)**

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*(Reprinted as amended by the Committee of the Whole House)*

ONTARIO LEGISLATION  
1990-1991 Session (1-2)

The Retail Sales Tax Act, 1990-91  
Bill 40

# EXPLANATORY NOTES

SECTION 1—Subsection 1. The adjusted definition of “purchaser” brings in any person who acquires anything for his own consumption or use in Ontario.

Subsection 2. The additional clause widens the definition of “sale” to include the tangible personal property that a person manufactures for his own consumption or use.

SECTION 2—Subsection 1. This amendment clarifies the intent.

BILL 46

1962-63

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 91, s. 1, par. 8, re-enacted</sup>

8. "purchaser" means a consumer who acquires tangible personal property at a sale anywhere for his own consumption or use in Ontario, or for the consumption or use in Ontario of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use in Ontario by such principal or other persons at his expense.

(2) Paragraph 11 of the said section 1 is amended by adding thereto the following clause: <sup>1960-61, c. 91, s. 1, par. 11, amended</sup>

(g) the production, fabrication, processing, printing or imprinting of tangible personal property by a person for his own consumption or use when that person furnishes either directly or indirectly the materials and labour used in such production, fabrication, processing, printing or imprinting.

2.—(1) Section 5 of *The Retail Sales Tax Act, 1960-61*, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by striking out "The following classes of tangible personal property are exempt from the tax imposed by this Act" in the first and second lines and inserting in lieu thereof "The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act", so that the section, exclusive of the paragraphs, shall read as follows: <sup>1960-61, c. 91, s. 5, amended</sup>



## Exemptions

5. The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act:

1960-61,  
c. 91, s. 5,  
par. 17,  
amended

- (2) Paragraph 17 of the said section 5 is amended by adding at the commencement thereof "paper twine", so that the paragraph shall read as follows:

17. paper twine, binder twine, baler twine, baler wire and barbed wire.

1960-61,  
c. 91, s. 5,  
par. 37  
(1961-62,  
c. 126, s. 3,  
subs. 4),  
amended

- (3) Paragraph 37 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by adding at the end thereof "or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act*", so that the paragraph shall read as follows:

37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act* or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act*.

R.S.O. 1960,  
c. 322;  
1960-61,  
c. 9;  
R.S.O. 1960,  
c. 359

- (4) The said section 5 is further amended by adding thereto the following paragraph:

60. tangible personal property purchased at a price of less than 21 cents.

1960-61,  
c. 91, s. 5a  
(1961-62,  
c. 126, s. 4),  
subs. 2,  
amended

3. Subsection 2 of section 5a of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "or" in the fourth line and by inserting after "daughter-in-law" in the fourth line "father-in-law or mother-in-law", so that the subsection shall read as follows:

Interpre-  
tation

- (2) In subsection 1, "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.

Subsection 2. Paper twine is added to the list of exemptions in paragraph 17.

Subsection 4. Tangible personal property purchased at a price of less than 21 cents rather than at 17 cents is made exempt from tax.

SECTION 3. The definition of members of a family is widened to include father-in-law and mother-in-law.



4.—(1) This Act, except subsection 4 of section 2, comes <sup>Commence-</sup>into force on the day it receives Royal Assent.  
ment

(2) Subsection 4 of section 2 shall be deemed to have come <sup>Idem</sup>into force on the 8th day of February, 1963.

5. This Act may be cited as *The Retail Sales Tax Amend-* Short title  
*ment Act, 1962-63.*



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*1st Reading*

February 7th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

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MR. ALLAN (Haldimand-Norfolk)

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(Reprinted as amended by the  
Committee of the Whole House)

# **BILL 46**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act to amend The Retail Sales Tax Act, 1960-61**

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MR. ALLAN (Haldimand-Norfolk)

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BILL 46

1962-63

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61,  
c. 91, s. 1,  
par. 8,  
re-enacted</sup>

8. "purchaser" means a consumer who acquires tangible personal property at a sale anywhere for his own consumption or use in Ontario, or for the consumption or use in Ontario of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use in Ontario by such principal or other persons at his expense.

(2) Paragraph 11 of the said section 1 is amended by adding thereto the following clause: <sup>1960-61,  
c. 91, s. 1,  
par. 11,  
amended</sup>

- (g) the production, fabrication, processing, printing or imprinting of tangible personal property by a person for his own consumption or use when that person furnishes either directly or indirectly the materials and labour used in such production, fabrication, processing, printing or imprinting.

2.—(1) Section 5 of *The Retail Sales Tax Act, 1960-61*, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by striking out "The following classes of tangible personal property are exempt from the tax imposed by this Act" in the first and second lines and inserting in lieu thereof "The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act", so that the section, exclusive of the paragraphs, shall read as follows: <sup>1960-61,  
c. 91, s. 5,  
amended</sup>



## Exemptions

5. The purchaser of the following classes of tangible personal property is exempt from the tax imposed by this Act:

1960-61,  
c. 91, s. 5,  
par. 17,  
amended

- (2) Paragraph 17 of the said section 5 is amended by adding at the commencement thereof "paper twine", so that the paragraph shall read as follows:

17. paper twine, binder twine, baler twine, baler wire and barbed wire.

1960-61,  
c. 91, s. 5,  
par. 37  
(1961-62,  
c. 126, s. 3,  
subs. 4),  
amended

- (3) Paragraph 37 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by adding at the end thereof "or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act*", so that the paragraph shall read as follows:

37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act* or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act*.

R.S.O. 1960,  
c. 322;  
1960-61,  
c. 9,  
R.S.O. 1960,  
c. 359

- (4) The said section 5 is further amended by adding thereto the following paragraph:

60. tangible personal property purchased at a price of less than 21 cents.

1960-61,  
c. 91, s. 5a  
(1961-62,  
c. 126, s. 4),  
subs. 2,  
amended

3. Subsection 2 of section 5a of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "or" in the fourth line and by inserting after "daughter-in-law" in the fourth line "father-in-law or mother-in-law", so that the subsection shall read as follows:

Interpre-  
tation

- (2) In subsection 1, "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.

**4.**—(1) This Act, except subsection 4 of section 2, comes <sup>Commence-</sup><sub>ment</sub> into force on the day it receives Royal Assent.

(2) Subsection 4 of section 2 shall be deemed to have come <sup>Idem</sup> into force on the 8th day of February, 1963.

**5.** This Act may be cited as *The Retail Sales Tax Amend-* <sup>Short title</sup>  
*ment Act, 1962-63.*







An Act to amend  
The Retail Sales Tax Act, 1960-61

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*1st Reading*

February 7th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

April 3rd, 1963

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Mr. ALLAN (Haldimand-Norfolk)

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## **BILL 47**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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### **An Act to amend The Conservation Authorities Act**

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**MR. ROBERTS**

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OFFICE OF THE ATTORNEY GENERAL  
STATE OF NEW YORK

EXPLANATORY NOTES

SECTION 1. The amendment is for the purpose of clarification.

SECTION 2. Self-explanatory.

SECTION 3. The amendments make it clear that one municipality may request a meeting to consider the enlargement of the area over which the conservation authority has jurisdiction.

BILL 47

1962-63

## An Act to amend The Conservation Authorities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Conservation Authorities Act* is amended R.S.O. 1960,  
c. 62, s. 5,  
amended by inserting after "within" in the second line "the area comprising", so that the section shall read as follows:

5. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of a conservation authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply *mutatis mutandis*. Establishment of conservation authority

2. *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 62,  
amended

- 5a. All watersheds under the jurisdiction of an authority shall be adjoining. Watersheds to be adjoining

3.—(1) Subsection 1 of section 6 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 6,  
subs. 1,  
re-enacted

(1) Where,

(a) an authority has been established for one or more watersheds; and

(b) the council of one municipality or the councils of any two or more municipalities by resolution request the Minister to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include one or more watersheds,

Meeting for enlargement of authority



the Minister shall fix a time and place for such a meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality situate either wholly or partly within the watershed or watersheds to be included.

R.S.O. 1960,  
c. 62, s. 6,  
subs. 4,  
amended

(2) Subsection 4 of the said section 6 is amended by striking out "the adjoining watershed" in the seventh line and inserting in lieu thereof "one or more watersheds", so that the subsection shall read as follows:

Enlargement  
of authority

(4) Upon receipt by the Minister of a joint resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat, requesting the enlargement of the area over which the authority has jurisdiction to include one or more watersheds, the Lieutenant Governor in Council may enlarge the area accordingly and may designate the additional municipalities that are the participating municipalities and the area over which the enlarged authority has jurisdiction.

R.S.O. 1960,  
c. 62, s. 20,  
subs. 1, cl. d  
(1961-62,  
c. 16, s. 9),  
re-enacted

4.—(1) Clause *d* of subsection 1 of section 20 of *The Conservation Authorities Act*, as re-enacted by section 9 of *The Conservation Authorities Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (d) prohibiting or regulating the construction of any building or structure in or on a pond or swamp or in any area below the high-water mark of a lake, river, creek or stream;
- (e) prohibiting or regulating the placing or dumping of fill of any kind in any defined part of the area over which the authority has jurisdiction in which in the opinion of the authority the control of flooding or pollution or the conservation of land may be affected by the placing or dumping of fill.

R.S.O. 1960,  
c. 62, s. 20,  
amended

(2) The said section 20 is amended by adding thereto the following subsection:

Order for  
removal of  
fill,  
structure,  
etc.

(4) In addition to any other remedy or penalty provided by law, the magistrate, upon making a conviction under subsection 3 for constructing a building or structure or placing or dumping fill in contravention of any regulation made under this section, may order

SECTION 4—Subsection 1. At present, an authority may make regulations prohibiting or regulating the dumping of fill in areas below the high-water mark of lakes, rivers, etc. The amendment authorizes regulations to prohibit or regulate the dumping of fill in areas in which the conservation of land, etc., may be affected.

Subsection 2. Provision is made for enforcing the removal of fill or structures placed in areas in contravention of the regulations.

SECTION 5. The amendment provides that the regulations regarding internal management of authorities require the approval of the Minister rather than the Lieutenant Governor in Council as at present.

SECTION 6. The amendment removes the reference to a chief officer and substitutes the chairman or vice-chairman of the authority.

SECTION 7. The amendment brings tenants of lands owned by an authority in line with tenants of Crown lands for the purpose of municipal taxation.

the person convicted to remove any such building, structure or fill within such time as the magistrate orders, and, if such person fails to comply with such order, the authority having jurisdiction in the area in which such building, structure or fill is situated may cause the building, structure or fill to be removed, and the cost thereof shall be borne and paid by the person convicted and is recoverable by the authority by action in a court of competent jurisdiction.

5. Section 21 of *The Conservation Authorities Act*, as amended by section 10 of *The Conservation Authorities Amendment Act, 1961-62*, is further amended by striking out "Lieutenant Governor in Council" in the first and second lines and inserting in lieu thereof "Minister", so that the section, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 62, s. 21,  
amended

21. Subject to the approval of the Minister, an authority may make regulations,

Regulations

6. Subsection 8 of section 25 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the fifth line and inserting in lieu thereof "chairman or vice-chairman of the authority", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 62, s. 25,  
subs. 8,  
amended

- (8) Upon receipt of a notice of dissatisfaction, the authority shall forward to the secretary of the Ontario Municipal Board a true copy of the statement and written reasons of the advisory board and a copy of the plan and description, certified by the chairman or vice-chairman of the authority.

Notification  
to Municipal  
Board

7. Section 35 of *The Conservation Authorities Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 62, s. 35,  
amended

- (3) Notwithstanding subsections 1 and 2, section 34 of *The Assessment Act* applies *mutatis mutandis* in respect of lands owned by an authority.

Assessment  
of rented  
property  
R.S.O. 1960,  
c. 23

8.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1963.

Idem

9. This Act may be cited as *The Conservation Authorities Amendment Act, 1962-63*.

Short title



An Act to amend  
The Conservation Authorities Act

*1st Reading*

February 11th, 1963

*2nd Reading*

*3rd Reading*

MR. ROBERTS

# **BILL 47**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Conservation Authorities Act**

---

MR. ROBERTS

---



BILL 47

1962-63

## An Act to amend The Conservation Authorities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Conservation Authorities Act* is amended R.S.O. 1960, c. 62, s. 5, amended by inserting after "within" in the second line "the area comprising", so that the section shall read as follows:

5. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of a conservation authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply *mutatis mutandis*. Establishment of conservation authority

2. *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960, c. 62, amended

5a. All watersheds under the jurisdiction of an authority shall be adjoining. Watersheds to be adjoining

3.—(1) Subsection 1 of section 6 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 62, s. 6, subs. 1, re-enacted

- (1) Where, Meeting for enlargement of authority
- (a) an authority has been established for one or more watersheds; and
  - (b) the council of one municipality or the councils of any two or more municipalities by resolution request the Minister to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include one or more watersheds,



the Minister shall fix a time and place for such a meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality situate either wholly or partly within the watershed or watersheds to be included.

R.S.O. 1960,  
c. 62, s. 6,  
subs. 4,  
amended

(2) Subsection 4 of the said section 6 is amended by striking out "the adjoining watershed" in the seventh line and inserting in lieu thereof "one or more watersheds", so that the subsection shall read as follows:

Enlargement  
of authority

(4) Upon receipt by the Minister of a joint resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat, requesting the enlargement of the area over which the authority has jurisdiction to include one or more watersheds, the Lieutenant Governor in Council may enlarge the area accordingly and may designate the additional municipalities that are the participating municipalities and the area over which the enlarged authority has jurisdiction.

R.S.O. 1960,  
c. 62, s. 20,  
subs. 1, cl. d  
(1961-62,  
c. 16, s. 9),  
re-enacted

4.—(1) Clause *d* of subsection 1 of section 20 of *The Conservation Authorities Act*, as re-enacted by section 9 of *The Conservation Authorities Amendment Act, 1961-62*, is repealed and the following substituted therefor:

- (d) prohibiting or regulating the construction of any building or structure in or on a pond or swamp or in any area below the high-water mark of a lake, river, creek or stream;
- (e) prohibiting or regulating the placing or dumping of fill of any kind in any defined part of the area over which the authority has jurisdiction in which in the opinion of the authority the control of flooding or pollution or the conservation of land may be affected by the placing or dumping of fill.

R.S.O. 1960,  
c. 62, s. 20,  
amended

(2) The said section 20 is amended by adding thereto the following subsection:

Order for  
removal of  
fill,  
structure,  
etc.

(4) In addition to any other remedy or penalty provided by law, the magistrate, upon making a conviction under subsection 3 for constructing a building or structure or placing or dumping fill in contravention of any regulation made under this section, may order

the person convicted to remove any such building, structure or fill within such time as the magistrate orders, and, if such person fails to comply with such order, the authority having jurisdiction in the area in which such building, structure or fill is situated may cause the building, structure or fill to be removed, and the cost thereof shall be borne and paid by the person convicted and is recoverable by the authority by action in a court of competent jurisdiction.

5. Section 21 of *The Conservation Authorities Act*, as amended by section 10 of *The Conservation Authorities Amendment Act, 1961-62*, is further amended by striking out "Lieutenant Governor in Council" in the first and second lines and inserting in lieu thereof "Minister", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 62, s. 21,  
amended

21. Subject to the approval of the Minister, an authority may make regulations, Regulations

. . . . .

6. Subsection 8 of section 25 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the fifth line and inserting in lieu thereof "chairman or vice-chairman of the authority", so that the subsection shall read as follows: R.S.O. 1960,  
c. 62, s. 25,  
subs. 8,  
amended

(8) Upon receipt of a notice of dissatisfaction, the authority shall forward to the secretary of the Ontario Municipal Board a true copy of the statement and written reasons of the advisory board and a copy of the plan and description, certified by the chairman or vice-chairman of the authority. Notification  
to Municipal  
Board

7. Section 35 of *The Conservation Authorities Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 62, s. 35,  
amended

(3) Notwithstanding subsections 1 and 2, section 34 of *The Assessment Act* applies *mutatis mutandis* in respect of lands owned by an authority. Assessment  
of rented  
property  
R.S.O. 1960,  
c. 23

8.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1963. Idem

9. This Act may be cited as *The Conservation Authorities Amendment Act, 1962-63*. Short title







An Act to amend  
The Conservation Authorities Act

---

*1st Reading*

February 11th, 1963

*2nd Reading*

February 20th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROBERTS

---

# **BILL 48**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Grand River Conservation Act, 1938**

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MR. ROBERTS

---

THE AMENDMENT BRINGS TENANTS OF COMMISSION LANDS IN LINE WITH  
TENANTS OF CROWN LANDS IN RESPECT OF MUNICIPAL TAXATION.

THE AMENDMENT BRINGS TENANTS OF COMMISSION LANDS IN LINE WITH  
TENANTS OF CROWN LANDS IN RESPECT OF MUNICIPAL TAXATION.

#### EXPLANATORY NOTE

The amendment brings tenants of Commission lands in line with  
tenants of Crown lands in respect of municipal taxation.

BILL 48

1962-63

**An Act to amend  
The Grand River Conservation Act, 1938**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Grand River Conservation Act, 1938* is <sup>1938, c. 15,</sup> amended by adding thereto the following subsection: <sup>s. 28,</sup> amended

(3) Notwithstanding subsections 1 and 2, section 34 of <sup>Assessment</sup> *The Assessment Act* applies *mutatis mutandis* in <sup>of rented</sup> <sup>land</sup> respect of lands owned by the Commission. <sup>R.S.O. 1960,</sup> <sup>c. 23</sup>

2. This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of January, 1963. <sup>ment</sup>

3. This Act may be cited as *The Grand River Conservation* <sup>Short title</sup> *Amendment Act, 1962-63.*



An Act to amend  
The Grand River Conservation Act, 1938

---

*1st Reading*

February 11th, 1963

*2nd Reading*

*3rd Reading*

---

MR. ROBERTS

---

# **BILL 48**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Grand River Conservation Act, 1938**

---

**MR. ROBERTS**

---



BILL 48

1962-63

**An Act to amend  
The Grand River Conservation Act, 1938**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Grand River Conservation Act, 1938* is <sup>1938, c. 15,</sup> amended by adding thereto the following subsection: <sup>s. 28,</sup> amended
  - (3) Notwithstanding subsections 1 and 2, section 34 of <sup>Assessment of rented land</sup> *The Assessment Act* applies *mutatis mutandis* in <sup>R.S.O. 1960,</sup> respect of lands owned by the Commission. <sup>c. 23</sup>
2. This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of January, 1963. <sup>ment</sup>
3. This Act may be cited as *The Grand River Conservation* <sup>Short title</sup> *Amendment Act, 1962-63.*



An Act to amend  
The Grand River Conservation Act, 1938

---

*1st Reading*

February 11th, 1963

*2nd Reading*

February 20th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROBERTS

---

# **BILL 49**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Provincial Parks Act**

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**MR. ROBERTS**

---

THE PROVINCIAL PARKS ACT  
1917

EXPLANATORY NOTE

This amendment brings the authority of the person in charge of a provincial park with respect to portages into line with his present authority with respect to park roads and trails.

BILL 49

1962-63

## An Act to amend The Provincial Parks Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Provincial Parks Act* <sup>R.S.O. 1960, c. 314, s. 11, subs. 1, amended</sup> is amended by adding at the end thereof "or any portage in the provincial park", so that the subsection shall read as follows:

- (1) The district forester or superintendent in charge of <sup>Roads, trails and</sup> a provincial park may open or close to travel any <sup>portages</sup> road or trail in the provincial park that is not under the control of the Department of Highways, or any portage in the provincial park.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Provincial Parks Amend-* <sup>Short title</sup> *ment Act, 1962-63.*

An Act to amend  
The Provincial Parks Act

---

*1st Reading*

February 11th, 1963

*2nd Reading*

*3rd Reading*

---

MR. ROBERTS

---



# **BILL 49**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Provincial Parks Act**

---

**MR. ROBERTS**

---



BILL 49

1962-63

## An Act to amend The Provincial Parks Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Provincial Parks Act* <sup>R.S.O. 1960, c. 314, s. 11, subs. 1, amended</sup> is amended by adding at the end thereof "or any portage in the provincial park", so that the subsection shall read as follows:

- (1) The district forester or superintendent in charge of a provincial park may open or close to travel any <sup>Roads, trails and</sup> portages <sup>portages</sup> road or trail in the provincial park that is not under the control of the Department of Highways, or any portage in the provincial park.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Provincial Parks Amendment Act, 1962-63*. <sup>Short title</sup>

An Act to amend  
The Provincial Parks Act

---

*1st Reading*

February 11th, 1963

*2nd Reading*

February 20th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROBERTS

---

# **BILL 50**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949**

---

**MR. DYMOND**

---



11-12 EXHIBIT II, 1963-64  
 NEW YORK STATE LIBRARY OF MEDICAL SCIENCES

to not to exceed the Alcoholism and Drug  
 Research Foundation Act, 1919

#### EXPLANATORY NOTE

The section relating to the advisory medical board of the Alcoholism and Drug Addiction Research Foundation is brought up to date by the use of more appropriate language to describe the types of persons who compose the Board.

11-12 EXHIBIT II, 1963-64

BILL 50

1962-63

## An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949* is repealed and the following substituted therefor: <sup>1949, c. 4, s. 11, re-enacted</sup>

11. There shall be an advisory medical board composed of such duly qualified medical practitioners, scientists and other persons as the Foundation, with the approval of the Lieutenant Governor in Council, may appoint. <sup>Advisory medical board</sup>

2. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1962-63*. <sup>Short title</sup>

An Act to amend The Alcoholism and Drug  
Addiction Research Foundation Act, 1949

1st Reading

February 13th, 1963

2nd Reading

3rd Reading

MR. DYMOND

# **BILL 50**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949**

---

MR. DYMOND

---

THE HOUSE OF COMMONS  
11-13 OCTOBER 1973

AN ACT TO AMEND THE ALCOHOL AND DRUG ABUSE  
RESEARCH FOUNDATION ACT, 1969

THE HOUSE



BILL 50

1962-63

## An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Section 11 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949* is repealed and the following<sup>1949, c. 4,  
s. 11,</sup> re-enacted  
substituted therefor:

11. There shall be an advisory medical board composed<sup>Advisory  
medical  
board</sup>  
of such duly qualified medical practitioners, scientists  
and other persons as the Foundation, with the  
approval of the Lieutenant Governor in Council,  
may appoint.

2. This Act may be cited as *The Alcoholism and Drug*<sup>Short title</sup>  
*Addiction Research Foundation Amendment Act, 1962-63.*

An Act to amend The Alcoholism and Drug  
Addiction Research Foundation Act, 1949

---

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

April 3rd, 1963

---

MR. DYMOND

---

# BILL 51

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## An Act to amend The Children's Mental Hospitals Act

---

MR. DYMOND

---

THE CHILDREN'S HOSPITAL ACT  
1960-61

The Children's Hospital Act  
1960-61

EXPLANATORY NOTE

Admissions to hospitals under this Act are now limited to children of sixteen years of age and under.

The purpose of this Bill is to remove the age restriction.

BILL 51

1962-63

**An Act to amend  
The Children's Mental Hospitals Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Children's Mental Hospitals Act* is repealed. R.S.O. 1960,  
c. 56, s. 1,  
cl. b,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Children's Mental Hospitals Amendment Act, 1962-63*. Short title



An Act to amend  
The Children's Mental Hospitals Act

*1st Reading*

February 13th, 1963

*2nd Reading*

*3rd Reading*

Mr. DYMOND

# **BILL 51**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Children's Mental Hospitals Act**

---

MR. DYMOND

---



BILL 51

1962-63

**An Act to amend  
The Children's Mental Hospitals Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Children's Mental Hospitals Act* is repealed. R.S.O. 1960,  
c. 56, s. 1,  
cl. *b*,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Children's Mental Hospitals Amendment Act, 1962-63*. Short title

An Act to amend  
The Children's Mental Hospitals Act

---

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

April 3rd, 1963

---

MR. DYMOND

---



## BILL 52

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Psychologists Registration Act

---

MR. DYMOND

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---

TORONTO

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ONTARIO LEGISLATURE  
1977-1978  
Session 11-12

Bill 118 is intended to amend the Psychology Act

#### EXPLANATORY NOTE

The purpose of the Bill is to authorize the Ontario Board of Examiners in Psychology to register qualified persons from outside Canada where these persons possess qualifications equal to but not identical with those now required for registration.

(continued)

BILL 52

1962-63

## An Act to amend The Psychologists Registration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 7 of *The Psychologists Registration Act* is amended by inserting after "Board" in the fourth line "or who has established, to the satisfaction of the Board, that he has equivalent academic qualifications", so that the clause shall read as follows:

R.S.O. 1960,  
c. 316, s. 7,  
subs. 1, cl. b,  
amended

- (b) who has received a master's degree based upon a programme of studies whose content was primarily psychological from an educational institution approved by the Board or who has established, to the satisfaction of the Board, that he has equivalent academic qualifications and who has had at least four years of experience acceptable to the Board.

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Psychologists Registration Amendment Act, 1962-63*. Short title

An Act to amend  
The Psychologists Registration Act

1st Reading

February 13th, 1963

2nd Reading

3rd Reading

MR. DYMOND

## **BILL 52**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

### **An Act to amend The Psychologists Registration Act**

---

**MR. DYMOND**

---





BILL 52

1962-63

## An Act to amend The Psychologists Registration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 7 of *The Psychologists Registration Act* is amended by inserting after "Board" in the fourth line "or who has established, to the satisfaction of the Board, that he has equivalent academic qualifications", so that the clause shall read as follows:

R.S.O. 1960,  
c. 316, s. 7,  
subs. 1, cl. *b*  
amended

- (*b*) who has received a master's degree based upon a programme of studies whose content was primarily psychological from an educational institution approved by the Board or who has established, to the satisfaction of the Board, that he has equivalent academic qualifications and who has had at least four years of experience acceptable to the Board.

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Psychologists Registration Amendment Act, 1962-63*. Short title

An Act to amend  
The Psychologists Registration Act

---

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

April 3rd, 1963

---

MR. DYMOND

---

# BILL 53

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## An Act to amend The Pesticides Act

---

MR. DYMOND

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TORONTO

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THE PURPOSE OF THIS BILL IS TO PROVIDE GREATER SAFEGUARDS  
FOR THE PROTECTION OF THE PUBLIC BECAUSE OF THE DEVELOPMENT OF MODERN  
FUNGICIDES AND PESTICIDES.

#### EXPLANATORY NOTES

**GENERAL.** The purpose of this Bill is to provide greater safeguards for the protection of the public because of the development of modern fungicides and pesticides.

**SECTION 1.** This amendment makes the relevant provisions of the Act applicable to exterminations without regard to the substance used so long as it is toxic or noxious.

**SECTION 2.** These amendments will authorize regulations to be made with respect to the subjects mentioned.



BILL 53.

1962-63

## An Act to amend The Pesticides Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Pesticides Act* is amended by striking out "substance prescribed by the regulations" in the fourth and fifth lines and inserting in lieu thereof "toxic or noxious substance", so that the clause shall read as follows:

R.S.O. 1960,  
c. 293, s. 1,  
cl. *b*,  
amended

(*b*) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation in a building or vehicle or on land by the use of any toxic or noxious substance.

2.—(1) Section 10 of *The Pesticides Act* is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 293, s. 10,  
amended

(*ea*) exempting any substance, machine, apparatus, equipment or class thereof from this Act and the regulations, or any provisions thereof.

(2) Clause *i* of the said section 10 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 293, s. 10,  
cl. *i*,  
re-enacted

(*i*) classifying substances used for extermination and prohibiting any class of exterminator from using one or more of the classes of substances;

(*ia*) prohibiting any class of exterminator from conducting any extermination for which the members of the class are not licensed.

3. This Act may be cited as *The Pesticides Amendment Act, 1962-63*.

Short title

An Act to amend The Pesticides Act

1st Reading

February 13th, 1963

2nd Reading

3rd Reading

Mr. Dymond

# **BILL 53**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Pesticides Act**

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**MR. DYMOND**

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---

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 53

1962-63

## An Act to amend The Pesticides Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Pesticides Act* is amended by striking out "substance prescribed by the regulations" in the fourth and fifth lines and inserting in lieu thereof "toxic or noxious substance", so that the clause shall read as follows:

R.S.O. 1960,  
c. 293, s. 1,  
cl. *b*,  
amended

- (*b*) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation in a building or vehicle or on land by the use of any toxic or noxious substance.

2.—(1) Section 10 of *The Pesticides Act* is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 293, s. 10,  
amended

- (*ea*) exempting any substance, machine, apparatus, equipment or class thereof from this Act and the regulations, or any provisions thereof.

(2) Clause *i* of the said section 10 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 293, s. 10,  
cl. *i*,  
re-enacted

- (*i*) classifying substances used for extermination and prohibiting any class of exterminator from using one or more of the classes of substances;
- (*ia*) prohibiting any class of exterminator from conducting any extermination for which the members of the class are not licensed.

3. This Act may be cited as *The Pesticides Amendment Act, 1962-63*.

Short title



An Act to amend The Pesticides Act

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

April 3rd, 1963

MR. DYMOND

# **BILL 54**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Hospital Services Commission Act**

---

MR. DYMOND

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THE HOSPITALIZATION INSURANCE ACT  
AND AMENDMENT TO THE HOSPITALIZATION INSURANCE ACT

THE HOSPITALIZATION INSURANCE ACT  
AND AMENDMENT TO THE HOSPITALIZATION INSURANCE ACT

EXPLANATORY NOTE

The purpose of this Bill is to make the directors of a corporation personally liable for the payment of hospitalization insurance premiums that have been deducted from the wages of the corporation's employees but not remitted to the Commission.

ENACTED

## An Act to amend The Hospital Services Commission Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Hospital Services Commission Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 176, s. 19,  
amended

(3). Where the employer is a corporation, the directors thereof are jointly and severally liable for the payment of the amount by which the penalty imposed under subsection 1 is increased under subsection 2. Liability of  
directors

2. *The Hospital Services Commission Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 176,  
amended

19a. Where an employer that is a corporation has failed to remit on behalf of its employees the premiums required by the regulations, the directors thereof are jointly and severally liable for the payment to the Commission of the amount of such premiums when the corporation, Liability of  
directors

(a) goes into liquidation;

(b) is ordered to be wound up;

(c) makes an authorized assignment under the *Bankruptcy Act* (Canada); or R.S.C. 1952,  
c. 14

(d) has a receiving order under the *Bankruptcy Act* (Canada) made against it.

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Hospital Services Commission Amendment Act, 1962-63*. Short title

An Act to amend  
The Hospital Services Commission Act

1st Reading

February 13th, 1963

2nd Reading

3rd Reading

MR. DYMOND



# **BILL 54**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Hospital Services Commission Act**

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**MR. DYMOND**

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# An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Hospital Services Commission Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 176, s. 19,  
amended

(3) Where the employer is a corporation, the directors thereof are jointly and severally liable for the payment of the amount by which the penalty imposed under subsection 1 is increased under subsection 2. Liability of  
directors

2. *The Hospital Services Commission Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 176,  
amended

19a. Where an employer that is a corporation has failed to remit on behalf of its employees the premiums required by the regulations, the directors thereof are jointly and severally liable for the payment to the Commission of the amount of such premiums when the corporation, Liability of  
directors

(a) goes into liquidation;

(b) is ordered to be wound up;

(c) makes an authorized assignment under the *Bankruptcy Act* (Canada); or R.S.C. 1952,  
c. 14

(d) has a receiving order under the *Bankruptcy Act* (Canada) made against it.

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Hospital Services Commission Amendment Act, 1962-63*. Short title

An Act to amend  
The Hospital Services Commission Act

---

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

April 3rd, 1963

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MR. DYMOND

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# BILL 55

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Private Hospitals Act

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MR. DYMOND

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



THE HOSPITAL ACT, 1964  
 CHAPTER 11, 1964

## EXPLANATORY NOTES

SECTION 1. The definition of applicant is expanded to expressly include the plural, so that particulars of residence, occupation, qualifications, etc., will be required for each applicant for a joint licence.

SECTION 2. In order to carry out its function to ensure the development throughout Ontario of a balanced and integrated system of hospitals, it is necessary for the Commission to have authority to determine, in each instance, the class of private hospital that may be operated.

SECTION 3. A more appropriate word is substituted.

SECTION 4. Self-explanatory.

SECTION 5. These provisions are designed to ensure that each private hospital is operated at all times under proper management.

BILL 55

1962-63

## An Act to amend The Private Hospitals Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 1, relettering clause *a* as clause *aa* and by adding thereto the amended following clause:

(a) "applicant" means applicant or applicants, as the case may be.

2. Section 5 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 5, adding thereto the following subsection: amended

(4) When a licence is granted, the Commission shall determine the class of hospital that may be operated and shall show such class on the face of the licence. Class of hospital to be shown on licence

3. Subsection 1 of section 6 of *The Private Hospitals Act* is R.S.O. 1960, c. 305, s. 6, amended by striking out "keep" in the first line and inserting subs. 1, in lieu thereof "operate", so that the subsection, exclusive of amended the items, shall read as follows:

(1) Every application for a licence to operate a private hospital shall be made in writing to the Commission and shall contain the following particulars: Application for licence

4. Section 7 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 7, adding thereto the following subsection: amended

(4a) When a licence is renewed, the Commission shall determine the class of hospital that may be operated and may change the class from that for which the hospital was licensed in the preceding year. Change of class of hospital on renewal of licence

5. Sections 9 and 10 of *The Private Hospitals Act* are R.S.O. 1960, c. 305, ss. 9, 10, repealed and the following substituted therefor: re-enacted

Transfer  
of licence

9. A licence under this Act is transferable only where the proposed transferee complies with sections 5 and 6.

Transfer of  
corporation  
shares

- 9a.—(1) Where the licensee of a private hospital is a corporation with share capital, no share thereof shall be transferred without the prior approval of the Commission.

## Appeal

- (2) Where an application for the approval of the Commission to the transfer of shares under subsection 1 is refused, the applicant may appeal from the decision of a judge of the Supreme Court at any time within thirty days from his receipt of notice of the refusal, and the judge may, upon the hearing of the appeal, make such order as to the transfer of the shares on confirming the Commission's decision and as to costs as he deems just.

## Procedure

- (3) The appeal may be by motion, notice of which shall be served upon the Commission, and shall be founded upon a copy of the application, a copy of any proceedings before the Commission, a copy of the decision of the Commission and upon any other material the judge deems relevant.

Death of  
licensee

- 10.—(1) When a licensee or the sole surviving licensee dies,

(a) the person to whom the private hospital passes may apply to have the licence transferred to him by complying with sections 5 and 6; or

(b) the personal representative of the deceased licensee may apply to the Commission for a temporary licence to permit the private hospital to continue in operation under the management of the personal representative for such period of time as in the opinion of the Commission is sufficient to allow the personal representative to dispose of the private hospital and to allow other accommodation to be provided for the patients in the hospital.

## Time limit

- (2) Unless an application is made under subsection 1 within three months after the death of the licensee or of the sole surviving licensee, the licence is revoked.





**SECTION 6.** Unclean premises and an inadequate standard of patient care are added to the reasons for revoking a private hospital licence.

**SECTION 7.** Provision is made for paying for insured services provided by a private hospital to an indigent patient who is a resident of territory without municipal organization.



6. Clause *c* of subsection 1 of section 11 of *The Private Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 305, s. 11,  
subs. 1, cl. c,  
re-enacted

- (c) if, in the opinion of the Commission,
- (i) the premises of the private hospital are unclean, unsanitary or without proper fire protection,
  - (ii) the standard of patient care provided in the private hospital is inadequate,
  - (iii) the private hospital is managed or conducted in a manner contrary to this Act or the regulations, or
  - (iv) the private hospital is managed or conducted in such a manner that the revocation of the licence is required in the public interest.

7. *The Private Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 305,  
amended

22a.—(1) Where a patient in a private hospital is an indigent person or a dependant of an indigent person and has resided in territory without municipal organization for a period of three months within the period of six months next prior to his admission to the private hospital, the Department, on certification by the district welfare administrator, shall pay the private hospital at the rate of \$6.50 for each day the patient receives treatment in the hospital. Indigents  
from  
unorganized  
territory

(2) Where a private hospital receives payment under subsection 1 for an indigent person, the Commission shall pay to the private hospital an amount in respect of insured services received by the indigent person equal to the difference between the amount paid by the Department and the *per diem* rate established for the hospital by the Commission. Idem

8. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

9. This Act may be cited as *The Private Hospitals Amendment Act, 1962-63*. Short title

An Act to amend  
The Private Hospitals Act

1st Reading

February 13th, 1963

2nd Reading

3rd Reading

MR. DYMOND

# BILL 55

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Private Hospitals Act

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MR. DYMOND

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*(Reprinted as amended by the Committee on Health and Welfare)*

# EXPLANATORY NOTES

SECTION 1. The definition of applicant is expanded to expressly include the plural, so that particulars of residence, occupation, qualifications, etc., will be required for each applicant for a joint licence.

SECTION 2. In order to carry out its function to ensure the development throughout Ontario of a balanced and integrated system of hospitals, it is necessary for the Commission to have authority to determine, in each instance, the class of private hospital that may be operated.

SECTION 3. A more appropriate word is substituted.

SECTION 4. Self-explanatory.

SECTION 5. These provisions are designed to ensure that each private hospital is operated at all times under proper management.



BILL 55

1962-63

## An Act to amend The Private Hospitals Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Private Hospitals Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 305, s. 1,  
amended

(a) "applicant" means applicant or applicants, as the case may be.

2. Section 5 of *The Private Hospitals Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 305, s. 5,  
amended

(4) When a licence is granted, the Commission shall determine the class of hospital that may be operated and shall show such class on the face of the licence. Class of  
hospital to  
be shown  
on licence

3. Subsection 1 of section 6 of *The Private Hospitals Act* is amended by striking out "keep" in the first line and inserting in lieu thereof "operate", so that the subsection, exclusive of the items, shall read as follows: R.S.O. 1960,  
c. 305, s. 6,  
subs. 1,  
amended

(1) Every application for a licence to operate a private hospital shall be made in writing to the Commission and shall contain the following particulars: Application  
for licence

4. Section 7 of *The Private Hospitals Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 305, s. 7,  
amended

(4a) When a licence is renewed, the Commission shall determine the class of hospital that may be operated and may change the class from that for which the hospital was licensed in the preceding year. Change of  
class of  
hospital  
on renewal  
of licence

5. Sections 9 and 10 of *The Private Hospitals Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 305,  
ss. 9, 10,  
re-enacted



Transfer  
of licence

9. A licence under this Act is transferable only where the proposed transferee complies with sections 5 and 6.

Transfer of  
corporation  
shares

- 9a.—(1) Where the licensee of a private hospital is a corporation with share capital, no share thereof shall be transferred without the prior approval of the Commission.

## Appeal

- (2) Where an application for the approval of the Commission to the transfer of shares under subsection 1 is refused, the applicant may appeal from the decision to a judge of the Supreme Court at any time within thirty days from his receipt of notice of the refusal, and the judge may, upon the hearing of the appeal, make such order as to the transfer of the shares or confirming the Commission's decision and as to costs as he deems just.

## Procedure

- (3) The appeal may be by motion, notice of which shall be served upon the Commission, and shall be founded upon a copy of the application, a copy of any proceedings before the Commission, a copy of the decision of the Commission and upon any other material the judge deems relevant.

Death of  
licensee

- 10.—(1) When a licensee or the sole surviving licensee dies,

(a) the person to whom the private hospital passes may apply to have the licence transferred to him by complying with sections 5 and 6; or

(b) the personal representative of the deceased licensee may apply to the Commission for a temporary licence to permit the private hospital to continue in operation under the management of the personal representative for such period of time as in the opinion of the Commission is sufficient to allow the personal representative to dispose of the private hospital and to allow other accommodation to be provided for the patients in the hospital.

## Time limit

- (2) Unless an application is made under subsection 1 within three months after the death of the licensee or of the sole surviving licensee, the licence is revoked.



**SECTION 6.** Unclean premises and an inadequate standard of patient care are added to the reasons for revoking a private hospital licence.

**SECTION 7.** Provision is made for paying for insured services provided by a private hospital to an indigent patient who is a resident of territory without municipal organization.

6. Clause *c* of subsection 1 of section 11 of *The Private Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 305, s. 11,  
subs. 1, cl. c,  
re-enacted

(c) if, in the opinion of the Commission,

- (i) the premises of the private hospital are unclean, unsanitary or without proper fire protection,
- (ii) the standard of patient care provided in the private hospital is inadequate,
- (iii) the private hospital is managed or conducted in a manner contrary to this Act or the regulations, or
- (iv) the private hospital is managed or conducted in such a manner that the revocation of the licence is required in the public interest.

7. *The Private Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 305,  
amended

22a.—(1) Where a patient in a private hospital is an indigent person or a dependant of an indigent person and has resided in territory without municipal organization for a period of three months within the period of six months next prior to his admission to the private hospital, the Department, on certification by the regional welfare administrator, shall pay the private hospital at the rate of \$6.50 for each day the patient receives treatment in the hospital. Indigents  
from  
unorganized  
territory

- (2) Where a private hospital receives payment under subsection 1 for an indigent person, the Commission shall pay to the private hospital an amount in respect of insured services received by the indigent person equal to the difference between the amount paid by the Department and the *per diem* rate established for the hospital by the Commission. Idem

8. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

9. This Act may be cited as *The Private Hospitals Amend-ment Act, 1962-63*. Short title

An Act to amend  
The Private Hospitals Act

---

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

---

MR. DYMOND

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(Reprinted as amended by the  
Committee on Health and Welfare)



# **BILL 55**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Private Hospitals Act**

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**MR. DYMOND**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 55

1962-63

## An Act to amend The Private Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 1, relettering clause *a* as clause *aa* and by adding thereto the amended following clause:

(a) "applicant" means applicant or applicants, as the case may be.

2. Section 5 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 5, adding thereto the following subsection: amended

(4) When a licence is granted, the Commission shall Class of hospital to determine the class of hospital that may be operated be shown on licence and shall show such class on the face of the licence.

3. Subsection 1 of section 6 of *The Private Hospitals Act* is R.S.O. 1960, c. 305, s. 6, amended by striking out "keep" in the first line and inserting subs. 1, in lieu thereof "operate", so that the subsection, exclusive of amended the items, shall read as follows:

(1) Every application for a licence to operate a private Application for licence hospital shall be made in writing to the Commission and shall contain the following particulars:

. . . . .

4. Section 7 of *The Private Hospitals Act* is amended by R.S.O. 1960, c. 305, s. 7, adding thereto the following subsection: amended

(4a) When a licence is renewed, the Commission shall Change of class of hospital determine the class of hospital that may be operated hospital on renewal and may change the class from that for which the of licence hospital was licensed in the preceding year.

5. Sections 9 and 10 of *The Private Hospitals Act* are R.S.O. 1960, c. 305, ss. 9, 10, repealed and the following substituted therefor: re-enacted

Transfer  
of licence

9. A licence under this Act is transferable only where the proposed transferee complies with sections 5 and 6.

Transfer of  
corporation  
shares

- 9a.—(1) Where the licensee of a private hospital is a corporation with share capital, no share thereof shall be transferred without the prior approval of the Commission.

## Appeal

- (2) Where an application for the approval of the Commission to the transfer of shares under subsection 1 is refused, the applicant may appeal from the decision to a judge of the Supreme Court at any time within thirty days from his receipt of notice of the refusal, and the judge may, upon the hearing of the appeal, make such order as to the transfer of the shares or confirming the Commission's decision and as to costs as he deems just.

## Procedure

- (3) The appeal may be by motion, notice of which shall be served upon the Commission, and shall be founded upon a copy of the application, a copy of any proceedings before the Commission, a copy of the decision of the Commission and upon any other material the judge deems relevant.

Death of  
licensee

- 10.—(1) When a licensee or the sole surviving licensee dies,

(a) the person to whom the private hospital passes may apply to have the licence transferred to him by complying with sections 5 and 6; or

(b) the personal representative of the deceased licensee may apply to the Commission for a temporary licence to permit the private hospital to continue in operation under the management of the personal representative for such period of time as in the opinion of the Commission is sufficient to allow the personal representative to dispose of the private hospital and to allow other accommodation to be provided for the patients in the hospital.

## Time limit

- (2) Unless an application is made under subsection 1 within three months after the death of the licensee or of the sole surviving licensee, the licence is revoked.



6. Clause *c* of subsection 1 of section 11 of *The Private Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 305, s. 11,  
subs. 1, cl. c,  
re-enacted

(c) if, in the opinion of the Commission,

- (i) the premises of the private hospital are unclean, unsanitary or without proper fire protection,
- (ii) the standard of patient care provided in the private hospital is inadequate,
- (iii) the private hospital is managed or conducted in a manner contrary to this Act or the regulations, or
- (iv) the private hospital is managed or conducted in such a manner that the revocation of the licence is required in the public interest.

7. *The Private Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 305,  
amended

22a.—(1) Where a patient in a private hospital is an indigent person or a dependant of an indigent person and has resided in territory without municipal organization for a period of three months within the period of six months next prior to his admission to the private hospital, the Department, on certification by the regional welfare administrator, shall pay the private hospital at the rate of \$6.50 for each day the patient receives treatment in the hospital. Indigents  
from  
unorganized  
territory

(2) Where a private hospital receives payment under subsection 1 for an indigent person, the Commission shall pay to the private hospital an amount in respect of insured services received by the indigent person equal to the difference between the amount paid by the Department and the *per diem* rate established for the hospital by the Commission. Idem

8. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

9. This Act may be cited as *The Private Hospitals Amendment Act, 1962-63*. Short title







An Act to amend  
The Private Hospitals Act

---

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

April 3rd, 1963

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MR. DYMOND

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# BILL 56

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

## An Act to amend The Dental Technicians Act

MR. DYMOND

THE BOARD OF DENTAL TECHNICIANS  
 ACTING IN COUNCIL

THE BOARD OF DENTAL TECHNICIANS

EXPLANATORY NOTES

SECTION 1. The amendment incorporates the Governing Board of Dental Technicians and authorizes it to hold real and personal property for its purposes, such as the rental of office and laboratory accommodation.

SECTION 2. The new clauses will authorize the Board, subject to the approval of the Lieutenant Governor in Council, to make regulations under which applicants for registration may be examined as to their qualifications.



BILL 56

1962-63

## An Act to amend The Dental Technicians Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Dental Technicians Act*, as amended by R.S.O. 1960, section 1 of *The Dental Technicians Amendment Act, 1960-61*,<sup>c. 90, s. 2, amended</sup> is further amended by adding thereto the following subsection:

- (1a) The Board is hereby constituted a corporation and<sup>Board a corporation</sup> the Board may, for its purposes, purchase, acquire, hold, mortgage, lease and dispose of real and personal property.

2. Subsection 1 of section 3 of *The Dental Technicians Act*,<sup>R.S.O. 1960, c. 90, s. 3, amended</sup> as amended by section 2 of *The Dental Technicians Amendment Act, 1960-61*,<sup>subs. 1, amended</sup> is further amended by adding thereto the following clauses:

- (ba) providing for the examination of applicants for registration and prescribing the fees payable for such examination;
- (bb) providing for the establishment of a committee of examiners to conduct examinations and prescribing the fees payable to examiners.

3. This Act comes into force on the day it receives Royal<sup>Commence-</sup> Assent.<sup>ment</sup>

4. This Act may be cited as *The Dental Technicians*<sup>Short title</sup> *Amendment Act, 1962-63*.

An Act to amend  
The Dental Technicians Act

BILL 20

1003-03

An Act to amend The Dental Technicians Act

Enacted by the Legislature of the Province of Ontario  
in the 21st year of Her Majesty Queen Elizabeth the Second

1st Reading  
February 13th, 1963

2nd Reading

3rd Reading

Mr. DYMOND

# **BILL 56**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act to amend The Dental Technicians Act**

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MR. DYMOND

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## BILL 56

1962-63

## An Act to amend The Dental Technicians Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Dental Technicians Act*, as amended by R.S.O. 1960, section 1 of *The Dental Technicians Amendment Act, 1960-61*,<sup>c. 90, s. 2, amended</sup> is further amended by adding thereto the following subsection:

(1a) The Board is hereby constituted a corporation and the Board may, for its purposes, purchase, acquire, hold, mortgage, lease and dispose of real and personal property.<sup>Board a corporation</sup>

2. Subsection 1 of section 3 of *The Dental Technicians Act*,<sup>R.S.O. 1960, c. 90, s. 3, amended</sup> as amended by section 2 of *The Dental Technicians Amendment Act, 1960-61*, is further amended by adding thereto the following clauses:<sup>subs. 1, amended</sup>

(ba) providing for the examination of applicants for registration and prescribing the fees payable for such examination;

(bb) providing for the establishment of a committee of examiners to conduct examinations and prescribing the fees payable to examiners.

3. This Act comes into force on the day it receives Royal Assent.<sup>Commencement</sup>

4. This Act may be cited as *The Dental Technicians Amendment Act, 1962-63*.<sup>Short title</sup>



An Act to amend  
The Dental Technicians Act

---

*1st Reading*

February 13th, 1963

*2nd Reading*

February 19th, 1963

*3rd Reading*

April 3rd, 1963

---

MR. DYMOND

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# **BILL 57**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act to amend The Public Service Act, 1961-62**

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MR. ALLAN (Haldimand-Norfolk)

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

AN ACT TO AMEND THE PUBLIC SERVICE ACT  
 (S. 100) (11-10-1961) (C. 51-1)

AN ACT TO AMEND THE PUBLIC SERVICE ACT

EXPLANATORY NOTES

SECTION 1. The expression "Crown employee", as defined, is used to refer to the groups to which some of the new political activity and debt collection provisions will apply. See sections 3 and 5 of the Bill.

SECTION 2. Under the present Act, ministerial appointments, whether initials or renewals, to the unclassified service cannot be made for more than one year at a time. This amendment removes the restriction on renewals.

SECTION 3. These new provisions codify the position of Crown employees in relation to political activities.

BILL 57

1962-63

## An Act to amend The Public Service Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Service Act, 1961-62* is amended <sup>1961-62, c. 121, s. 1, amended</sup> by adding thereto the following clause:

(da) "Crown employee" means a person employed in the service of the Crown or any agency of the Crown, but does not include an employee of The Hydro-Electric Power Commission of Ontario, the Workmen's Compensation Board, or the Ontario Northland Transportation Commission.

2. Subsection 1 of section 7 of *The Public Service Act, 1961-62* is amended by striking out "at a time" in the third line and inserting in lieu thereof "on the first appointment and for any period on any subsequent appointment", so that the subsection shall read as follows: <sup>1961-62, c. 121, s. 7, subs. 1, amended</sup>

- (1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year on the first appointment and for any period on any subsequent appointment a person to a position in the unclassified service in any department over which he presides. <sup>Appointment by minister to unclassified service</sup>

3. *The Public Service Act, 1961-62* is amended by adding <sup>1961-62, c. 121, amended</sup> thereto the following sections:

- 9a. A Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations, may be a candidate for election to any elective municipal office, including a member or trustee of an elementary or secondary <sup>Political activities of Crown employees, municipal elections</sup>



school board or a trustee of an improvement district, or may serve in such office or actively work in support of a candidate for such office if,

- (a) the candidacy, service or activity does not interfere with the performance of his duties as a Crown employee;
- (b) the candidacy, service or activity does not conflict with the interests of the Crown; and
- (c) the candidacy, service or activity is not in affiliation with or sponsored by a provincial or federal political party.

9b.—(1) Except during a leave of absence granted under subsection 2, a Crown employee shall not,

- (a) be a candidate in a provincial or federal election or serve as an elected representative in the legislature of any province or in the Parliament of Canada;
- (b) solicit funds for a provincial or federal political party or candidate; or
- (c) associate his position in the service of the Crown with any political activity.

(2) Any Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *ra* of subsection 1 of section 20, who proposes to become a candidate in a provincial or federal election shall apply through his minister to the Lieutenant Governor in Council for leave of absence without pay for a period,

- (a) not longer than that commencing on the day on which the writ for the election is issued and ending on polling day; and
- (b) not shorter than that commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

(3) Where a Crown employee who is a candidate in a provincial or federal election is elected, he shall forthwith resign his position as a Crown employee.

Political  
activities  
of Crown  
employees,  
provincial  
and federal  
elections

Leave of  
absence for  
election  
candidates

Resignation



- (4) Where a Crown employee who has resigned under subsection 3, <sup>Re-</sup>appointment

(a) ceases to be an elected political representative within five years of the resignation; and

(b) applies for re-appointment to his former position or to another position in the service of the Crown for which he is qualified within three months of ceasing to be an elected political representative,

he shall be re-appointed to the position upon its next becoming vacant.

- (5) Where a Crown employee has been granted leave of absence under subsection 2 and was not elected, or resigned his position under subsection 3 and was re-appointed under subsection 4, the period of the leave of absence or resignation shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes. <sup>Service deemed continuous</sup>

9c.—(1) A civil servant shall not during a provincial or federal election canvass on behalf of a candidate in the election. <sup>Canvassing prohibited during elections, civil servants</sup>

- (2) Notwithstanding subsection 1, a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *ra* of subsection 1 of section 20 shall not at any time canvass on behalf of or otherwise actively work in support of a provincial or federal political party or candidate. <sup>Idem, senior officials</sup>

9d. Except during a leave of absence granted under subsection 2 of section 9b, a civil servant shall not at any time speak in public or express views in writing for distribution to the public on any matter that forms part of the platform of a provincial or federal political party. <sup>Speaking, etc., on political issues by civil servants</sup>

9e. A Crown employee shall not during working hours engage in any activity for or on behalf of a provincial or federal political party. <sup>Political activity during working hours</sup>

9f. A contravention of section 9a, 9b, 9c, 9d or 9e shall be deemed to be sufficient cause for dismissal. <sup>Dismissal for contravention</sup>

1961-62,  
c. 121, s. 15,  
subs. 1,  
amended

4. Subsection 1 of section 15 of *The Public Service Act, 1961-62* is amended by striking out "a period not exceeding two weeks" in the third line and inserting in lieu thereof "such period as the regulations prescribe", so that the subsection shall read as follows:

Suspension  
during  
investigation

- (1) A deputy minister may, pending an investigation, suspend from employment any public servant in his department for such period as the regulations prescribe, and during any such period of suspension may withhold the salary of the public servant.

1961-62,  
c. 121, s. 19,  
re-enacted

5. Section 19 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor:

Debts of  
persons  
paid out  
of  
Consolidated  
Revenue  
Fund

19. Where a debt or money demand of not less than \$25, either on a judgment or otherwise and not being a claim for damages, is due and owing by a Crown employee whose salary or wages are paid out of the Consolidated Revenue Fund, and the creditor files with the Treasurer of Ontario,

(a) a notice of the debt or money demand; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the Treasurer may deduct from the salary of the debtor, or from any money owing to him from the Crown and payable out of the Consolidated Revenue Fund, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or in partial discharge of the debt or money demand.

1961-62,  
c. 121,  
amended

6. *The Public Service Act, 1961-62* is amended by adding thereto the following sections:

Joint  
Council  
established

19a.—(1) There shall be a Joint Council composed of eight members of whom,

- (a) four shall be public servants appointed by the Lieutenant Governor in Council;
- (b) three shall be public servants appointed by the Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario; and
- (c) one shall be an officer of the Civil Service Association of Ontario appointed by the

SECTION 4. The period for which a deputy minister may suspend a public servant pending an investigation is transferred from the Act to the regulations.

SECTION 5. The scope of the section is extended to apply to all persons in the service of the Crown who are paid out of the Consolidated Revenue Fund. At the present time, the section applies only to public servants (as defined).

SECTION 6. A Joint Council is established to negotiate matters concerning the terms of employment of public servants, and a Civil Service Arbitration Board is established to arbitrate in the event of the failure of the Joint Council to agree.





Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario.

(2) The Lieutenant Governor in Council shall appoint <sup>Chairman</sup> a person who is not a member of the Joint Council as chairman, and the chairman shall not vote.

(3) The Lieutenant Governor in Council may appoint <sup>Alternate chairman</sup> a person who is not a member of the Joint Council to act as chairman when the chairman is absent.

(4) The chairman of the Joint Council shall, <sup>Duties of chairman</sup>

(a) convene at least four meetings of the Joint Council in each year;

(b) prepare the agenda of each meeting;

(c) put on the agenda at the request of a member any matter concerning the terms of employment of public servants, including working conditions, remuneration, leaves and hours of work; and

(d) preside at the meetings.

(5) The Lieutenant Governor in Council shall appoint a <sup>Vice-chairman</sup> vice-chairman of the Joint Council who shall be the member of the Joint Council who is nominated for the purpose by the members of the Joint Council who were appointed upon the recommendation of the Civil Service Association of Ontario.

(6) A quorum of the Joint Council is, <sup>Quorum</sup>

(a) the chairman;

(b) three members who were appointed on the recommendation of the Civil Service Association of Ontario; and

(c) three members other than those referred to in clause b.

(7) The Joint Council shall negotiate such matters as are <sup>Duties of Joint Council</sup> put on its agenda by the chairman under subsection 4.

(8) Every decision of the Joint Council shall be signed <sup>Decisions</sup> by the chairman and the vice-chairman, and the chairman shall transmit it to the appropriate authority to be implemented.



Referral  
to Civil  
Service  
Arbitration  
Board

- 19b.—(1) Where a majority of the members of the Joint Council is unable to agree upon any matter, the chairman shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing, decide the matter.

Composition

- (2) There shall be a Civil Service Arbitration Board appointed by the Lieutenant Governor in Council composed of,

(a) a chairman who shall be appointed for a renewable term of two years;

(b) one member designated from time to time by the members of the Joint Council appointed under clause *a* of subsection 1 of section 19a; and

(c) one member designated from time to time by the members of the Joint Council appointed under clauses *b* and *c* of subsection 1 of section 19a.

Decision

- (3) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the appropriate authority to be implemented.

1961-62,  
c. 121,  
s. 20, subs. 1,  
amended

- 7.—(1) Subsection 1 of section 20 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause:

(ma) prescribing periods of suspension or removal from employment for the purposes of section 15.

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *p*,  
amended

- (2) Clause *p* of subsection 1 of the said section 20 is amended by striking out "a joint advisory council" in the first line, so that the clause shall read as follows:

(p) providing for departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *r*,  
re-enacted

- (3) Clause *r* of subsection 1 of the said section 20 is repealed and the following substituted therefor:

(r) prescribing the duties and procedures of the Joint Council and the Civil Service Arbitration Board;

SECTION 7. Complementary to sections 3, 4 and 6 of the Bill.



(*ra*) designating positions or classifications of Crown employees for the purpose of section 9a.

**8.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.  
ment

**9.** This Act may be cited as *The Public Service Amendment Act, 1962-63*. Short title

For information of the Board of Directors of the  
 Corporation the following is submitted:

2. The first report of the Board of Directors of the  
 Corporation is submitted.

3. The first report of the Board of Directors of the  
 Corporation is submitted.





An Act to amend  
The Public Service Act, 1961-62

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*1st Reading*

February 14th, 1963

*2nd Reading*

*3rd Reading*

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MR. ALAN (Haldimand-Norfolk)

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# **BILL 57**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Public Service Act, 1961-62**

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**MR. ALLAN (Haldimand-Norfolk)**

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*(Reprinted for consideration by the Committee of the Whole House)*

AN ACT TO AMEND THE PUBLIC SERVICE ACT  
IN RESPECT OF THE STATUS OF CROWN EMPLOYEES

Bill 118, 1981, 25th Session, 1st Sess. of the 32nd Parliament of Canada

EXPLANATORY NOTES

SECTION 1. The expression "Crown employee", as defined, is used to refer to the groups to which some of the new political activity and debt collection provisions will apply. See sections 3 and 5 of the Bill.

SECTION 2. Under the present Act, ministerial appointments, whether initials or renewals, to the unclassified service cannot be made for more than one year at a time. This amendment removes the restriction on renewals.

SECTION 3. These new provisions codify the position of Crown employees in relation to political activities.

BILL 57

1962-63

**An Act to amend  
The Public Service Act, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Public Service Act, 1961-62* is amended <sup>1961-62, c. 121, s. 1, amended</sup> by adding thereto the following clause:

(da) "Crown employee" means a person employed in the service of the Crown or any agency of the Crown, but does not include an employee of The Hydro-Electric Power Commission of Ontario, the Workmen's Compensation Board, or the Ontario Northland Transportation Commission.

**2.** Subsection 1 of section 7 of *The Public Service Act, 1961-62* is amended by striking out "at a time" in the third line and inserting in lieu thereof "on the first appointment and for any period on any subsequent appointment", so that the subsection shall read as follows: <sup>1961-62, c. 121, s. 7, subs. 1, amended</sup>

(1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year on the first appointment and for any period on any subsequent appointment a person to a position in the unclassified service in any department over which he presides. <sup>Appointment by minister to unclassified service</sup>

**3.** *The Public Service Act, 1961-62* is amended by adding thereto the following sections: <sup>1961-62, c. 121, amended</sup>

**9a.** A Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations, may be a candidate for election to any elective municipal office, including a member or trustee of an elementary or secondary <sup>Political activities of Crown employees, municipal elections</sup>



school board or a trustee of an improvement district, or may serve in such office or actively work in support of a candidate for such office if,

- (a) the candidacy, service or activity does not interfere with the performance of his duties as a Crown employee;
- (b) the candidacy, service or activity does not conflict with the interests of the Crown; and
- (c) the candidacy, service or activity is not in affiliation with or sponsored by a provincial or federal political party.

Political activities of Crown employees, provincial and federal elections

9b.—(1) Except during a leave of absence granted under subsection 2, a Crown employee shall not,

- (a) be a candidate in a provincial or federal election or serve as an elected representative in the legislature of any province or in the Parliament of Canada;
- (b) solicit funds for a provincial or federal political party or candidate; or
- (c) associate his position in the service of the Crown with any political activity.

Leave of absence for election candidates

(2) Any Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *ra* of subsection 1 of section 20, who proposes to become a candidate in a provincial or federal election shall apply through his minister to the Lieutenant Governor in Council for leave of absence without pay for a period,

- (a) not longer than that commencing on the day on which the writ for the election is issued and ending on polling day; and
- (b) not shorter than that commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

Resignation

(3) Where a Crown employee who is a candidate in a provincial or federal election is elected, he shall forthwith resign his position as a Crown employee.

- (4) Where a Crown employee who has resigned under <sup>Re-</sup>sub-<sup>appointment</sup>section 3,

(a) ceases to be an elected political representative within five years of the resignation; and

(b) applies for re-appointment to his former position or to another position in the service of the Crown for which he is qualified within three months of ceasing to be an elected political representative,

he shall be re-appointed to the position upon its next becoming vacant.

- (5) Where a Crown employee has been granted leave of <sup>Service</sup>absence under subsection 2 and was not elected, or <sup>deemed</sup>resigned his position under subsection 3 and was re-<sup>continuous</sup>appointed under subsection 4, the period of the leave of absence or resignation shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes.

9c.—(1) A civil servant shall not during a provincial or <sup>Canvassing</sup>federal election canvass on behalf of a candidate in <sup>prohibited</sup>the election, <sup>during</sup>  
<sup>elections,</sup>  
<sup>civil</sup>  
<sup>servants</sup>

(2) Notwithstanding subsection 1, a deputy minister <sup>Idem,</sup>or any other Crown employee in a position or classi-<sup>senior</sup>fication designated in the regulations under clause *ra* <sup>officials</sup>of subsection 1 of section 20 shall not at any time canvass on behalf of or otherwise actively work in support of a provincial or federal political party or candidate.

9d. Except during a leave of absence granted under <sup>Speaking,</sup>subsection 2 of section 9b, a civil servant shall not at <sup>etc., on</sup>any time speak in public or express views in writing <sup>political</sup>for distribution to the public on any matter that <sup>issues by</sup>forms part of the platform of a provincial or federal <sup>civil</sup>political party. <sup>servants</sup>

9e. A Crown employee shall not during working hours <sup>Political</sup>engage in any activity for or on behalf of a provincial <sup>activity</sup>or federal political party. <sup>during</sup>  
<sup>working</sup>  
<sup>hours</sup>

9f. A contravention of section 9a, 9b, 9c, 9d or 9e shall <sup>Dismissal</sup>be deemed to be sufficient cause for dismissal. <sup>for con-</sup>  
<sup>travention</sup>

1961-62,  
c. 121, s. 15,  
subs. 1,  
amended

4. Subsection 1 of section 15 of *The Public Service Act, 1961-62* is amended by striking out "a period not exceeding two weeks" in the third line and inserting in lieu thereof "such period as the regulations prescribe", so that the subsection shall read as follows:

Suspension  
during  
investigation

- (1) A deputy minister may, pending an investigation, suspend from employment any public servant in his department for such period as the regulations prescribe, and during any such period of suspension may withhold the salary of the public servant.

1961-62,  
c. 121, s. 19,  
re-enacted

5. Section 19 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor:

Debts of  
persons  
paid out  
of  
Consolidated  
Revenue  
Fund

19. Where a debt or money demand of not less than \$25, either on a judgment or otherwise and not being a claim for damages, is due and owing by a Crown employee whose salary or wages are paid out of the Consolidated Revenue Fund, and the creditor files with the Treasurer of Ontario,

(a) a notice of the debt or money demand; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the Treasurer may deduct from the salary of the debtor, or from any money owing to him from the Crown and payable out of the Consolidated Revenue Fund, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or in partial discharge of the debt or money demand.

1961-62,  
c. 121,  
amended

6. *The Public Service Act, 1961-62* is amended by adding thereto the following sections:

Joint  
Council  
established

- 19a.—(1) There shall be a Joint Council composed of eight members of whom,

(a) four shall be public servants appointed by the Lieutenant Governor in Council;

(b) three shall be public servants appointed by the Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario; and

(c) one shall be an officer of the Civil Service Association of Ontario appointed by the



SECTION 4. The period for which a deputy minister may suspend a public servant pending an investigation is transferred from the Act to the regulations.

SECTION 5. The scope of the section is extended to apply to all persons in the service of the Crown who are paid out of the Consolidated Revenue Fund. At the present time, the section applies only to public servants (as defined).

SECTION 6. A Joint Council is established to negotiate matters concerning the terms of employment of public servants, and a Civil Service Arbitration Board is established to arbitrate in the event of the failure of the Joint Council to agree.





Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario.

- (2) The Lieutenant Governor in Council shall appoint <sup>Chairman</sup> a person who is not a member of the Joint Council as chairman, and the chairman shall not vote.
- (3) The Lieutenant Governor in Council may appoint <sup>Alternate chairman</sup> a person who is not a member of the Joint Council to act as chairman when the chairman is absent.
- (4) The chairman of the Joint Council shall, <sup>Duties of chairman</sup>
  - (a) convene at least four meetings of the Joint Council in each year;
  - (b) prepare the agenda of each meeting;
  - (c) put on the agenda at the request of a member any matter concerning the terms of employment of public servants, including working conditions, remuneration, leaves and hours of work, that is not excluded by the regulations; and
  - (d) preside at the meetings.
- (5) The Lieutenant Governor in Council shall appoint a <sup>Vice-chairman</sup> vice-chairman of the Joint Council who shall be the member of the Joint Council who is nominated for the purpose by the members of the Joint Council who were appointed upon the recommendation of the Civil Service Association of Ontario.
- (6) A quorum of the Joint Council is, <sup>Quorum</sup>
  - (a) the chairman;
  - (b) three members who were appointed on the recommendation of the Civil Service Association of Ontario; and
  - (c) three members other than those referred to in clause b.
- (7) The Joint Council shall negotiate such matters as are <sup>Duties of Joint Council</sup> put on its agenda by the chairman under subsection 4.
- (8) Every decision of the Joint Council shall be signed <sup>Decisions</sup> by the chairman and the vice-chairman, and the chairman shall transmit it to the appropriate authority to be implemented.

Referral  
to Civil  
Service  
Arbitration  
Board

19b.—(1) Where a majority of the members of the Joint Council is unable to agree upon any matter, the chairman shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing, decide the matter.

Composition

(2) There shall be a Civil Service Arbitration Board appointed by the Lieutenant Governor in Council composed of,

(a) a chairman who shall be appointed for a renewable term of two years;

(b) one member designated from time to time by the members of the Joint Council appointed under clause *a* of subsection 1 of section 19a; and

(c) one member designated from time to time by the members of the Joint Council appointed under clauses *b* and *c* of subsection 1 of section 19a.

Decision

(3) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the appropriate authority to be implemented.

R.S.O. 1960,  
c. 18, not  
to apply

(4) *The Arbitrations Act* does not apply to matters referred to the Civil Service Arbitration Board under this section.

1961-62,  
c. 121,  
s. 20, subs. 1,  
amended

7.—(1) Subsection 1 of section 20 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause:

(ma) prescribing periods of suspension or removal from employment for the purposes of section 15.

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *p*,  
amended

(2) Clause *p* of subsection 1 of the said section 20 is amended by striking out "a joint advisory council" in the first line, so that the clause shall read as follows:

(p) providing for departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323

(3) Clause *r* of subsection 1 of the said section 20 is repealed and the following substituted therefor:

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *r*,  
re-enacted

SECTION 7. Complementary to sections 3, 4 and 6 of the Bill.



(r) prescribing the duties and procedures of the Joint Council and the Civil Service Arbitration Board and excluding matters from the agenda of the Joint Council;

(ra) designating positions or classifications of Crown employees for the purpose of section 9a.

**8.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sup>ment</sup>

**9.** This Act may be cited as *The Public Service Amendment* <sup>Short title</sup> *Act, 1962-63.*







An Act to amend  
The Public Service Act, 1961-62

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*1st Reading*

February 14th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

---

MR. ALLAN (Haldimand-Norfolk)

(*Reprinted for consideration by the  
Committee of the Whole House*)

# BILL 57

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Public Service Act, 1961-62

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MR. ALLAN (Haldimand-Norfolk)

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER





BILL 57

1962-63

## An Act to amend The Public Service Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause: 1961-62,  
c. 121, s. 1,  
amended

(da) "Crown employee" means a person employed in the service of the Crown or any agency of the Crown, but does not include an employee of The Hydro-Electric Power Commission of Ontario, the Workmen's Compensation Board, or the Ontario Northland Transportation Commission.

2. Subsection 1 of section 7 of *The Public Service Act, 1961-62* is amended by striking out "at a time" in the third line and inserting in lieu thereof "on the first appointment and for any period on any subsequent appointment", so that the subsection shall read as follows: 1961-62,  
c. 121, s. 7,  
subs. 1,  
amended

(1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year on the first appointment and for any period on any subsequent appointment a person to a position in the unclassified service in any department over which he presides. Appointment  
by minister  
to unclassified  
service

3. *The Public Service Act, 1961-62* is amended by adding thereto the following sections: 1961-62,  
c. 121,  
amended

9a. A Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations, may be a candidate for election to any elective municipal office, including a member or trustee of an elementary or secondary Political  
activities  
of Crown  
employees,  
municipal  
elections

school board or a trustee of an improvement district, or may serve in such office or actively work in support of a candidate for such office if,

- (a) the candidacy, service or activity does not interfere with the performance of his duties as a Crown employee;
- (b) the candidacy, service or activity does not conflict with the interests of the Crown; and
- (c) the candidacy, service or activity is not in affiliation with or sponsored by a provincial or federal political party.

Political  
activities  
of Crown  
employees,  
provincial  
and federal  
elections

9b.—(1) Except during a leave of absence granted under subsection 2, a Crown employee shall not,

- (a) be a candidate in a provincial or federal election or serve as an elected representative in the legislature of any province or in the Parliament of Canada;
- (b) solicit funds for a provincial or federal political party or candidate; or
- (c) associate his position in the service of the Crown with any political activity.

Leave of  
absence for  
election  
candidates

(2) Any Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *ra* of subsection 1 of section 20, who proposes to become a candidate in a provincial or federal election shall apply through his minister to the Lieutenant Governor in Council for leave of absence without pay for a period,

- (a) not longer than that commencing on the day on which the writ for the election is issued and ending on polling day; and
- (b) not shorter than that commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

Resignation

(3) Where a Crown employee who is a candidate in a provincial or federal election is elected, he shall forthwith resign his position as a Crown employee.

(4) Where a Crown employee who has resigned under subsection 3, <sup>Re-appointment</sup>

(a) ceases to be an elected political representative within five years of the resignation; and

(b) applies for re-appointment to his former position or to another position in the service of the Crown for which he is qualified within three months of ceasing to be an elected political representative,

he shall be re-appointed to the position upon its next becoming vacant.

(5) Where a Crown employee has been granted leave of absence under subsection 2 and was not elected, or resigned his position under subsection 3 and was re-appointed under subsection 4, the period of the leave of absence or resignation shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes. <sup>Service deemed continuous</sup>

9c.—(1) A civil servant shall not during a provincial or federal election canvass on behalf of a candidate in the election. <sup>Canvassing prohibited during elections, civil servants</sup>

(2) Notwithstanding subsection 1, a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *ra* of subsection 1 of section 20 shall not at any time canvass on behalf of or otherwise actively work in support of a provincial or federal political party or candidate. <sup>Idem, senior officials</sup>

9d. Except during a leave of absence granted under subsection 2 of section 9b, a civil servant shall not at any time speak in public or express views in writing for distribution to the public on any matter that forms part of the platform of a provincial or federal political party. <sup>Speaking, etc., on political issues by civil servants</sup>

9e. A Crown employee shall not during working hours engage in any activity for or on behalf of a provincial or federal political party. <sup>Political activity during working hours</sup>

9f. A contravention of section 9a, 9b, 9c, 9d or 9e shall be deemed to be sufficient cause for dismissal. <sup>Dismissal for contravention</sup>



1961-62,  
c. 121, s. 15,  
subs. 1,  
amended

4. Subsection 1 of section 15 of *The Public Service Act, 1961-62* is amended by striking out "a period not exceeding two weeks" in the third line and inserting in lieu thereof "such period as the regulations prescribe", so that the subsection shall read as follows:

Suspension  
during  
investigation

- (1) A deputy minister may, pending an investigation, suspend from employment any public servant in his department for such period as the regulations prescribe, and during any such period of suspension may withhold the salary of the public servant.

1961-62,  
c. 121, s. 19,  
re-enacted

5. Section 19 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor:

Debts of  
persons  
paid out  
of  
Consolidated  
Revenue  
Fund

19. Where a debt or money demand of not less than \$25, either on a judgment or otherwise and not being a claim for damages, is due and owing by a Crown employee whose salary or wages are paid out of the Consolidated Revenue Fund, and the creditor files with the Treasurer of Ontario,

(a) a notice of the debt or money demand; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the Treasurer may deduct from the salary of the debtor, or from any money owing to him from the Crown and payable out of the Consolidated Revenue Fund, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or in partial discharge of the debt or money demand.

1961-62,  
c. 121,  
amended

6. *The Public Service Act, 1961-62* is amended by adding thereto the following sections:

Joint  
Council  
established

- 19a.—(1) There shall be a Joint Council composed of eight members of whom,

(a) four shall be public servants appointed by the Lieutenant Governor in Council;

(b) three shall be public servants appointed by the Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario; and

(c) one shall be an officer of the Civil Service Association of Ontario appointed by the

Lieutenant Governor in Council on the recommendation of the Civil Service Association of Ontario.

- (2) The Lieutenant Governor in Council shall appoint <sup>Chairman</sup> a person who is not a member of the Joint Council as chairman, and the chairman shall not vote.
- (3) The Lieutenant Governor in Council may appoint <sup>Alternate chairman</sup> a person who is not a member of the Joint Council to act as chairman when the chairman is absent.
- (4) The chairman of the Joint Council shall, <sup>Duties of chairman</sup>
  - (a) convene at least four meetings of the Joint Council in each year;
  - (b) prepare the agenda of each meeting;
  - (c) put on the agenda at the request of a member any matter concerning the terms of employment of public servants, including working conditions, remuneration, leaves and hours of work, that is not excluded by the regulations; and
  - (d) preside at the meetings.
- (5) The Lieutenant Governor in Council shall appoint a <sup>Vice-chairman</sup> vice-chairman of the Joint Council who shall be the member of the Joint Council who is nominated for the purpose by the members of the Joint Council who were appointed upon the recommendation of the Civil Service Association of Ontario.
- (6) A quorum of the Joint Council is, <sup>Quorum</sup>
  - (a) the chairman;
  - (b) three members who were appointed on the recommendation of the Civil Service Association of Ontario; and
  - (c) three members other than those referred to in clause b.
- (7) The Joint Council shall negotiate such matters as are <sup>Duties of Joint Council</sup> put on its agenda by the chairman under subsection 4.
- (8) Every decision of the Joint Council shall be signed <sup>Decisions</sup> by the chairman and the vice-chairman, and the chairman shall transmit it to the appropriate authority to be implemented.



Referral  
to Civil  
Service  
Arbitration  
Board

19b.—(1) Where a majority of the members of the Joint Council is unable to agree upon any matter, the chairman shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing, decide the matter.

Composition

(2) There shall be a Civil Service Arbitration Board appointed by the Lieutenant Governor in Council composed of,

(a) a chairman who shall be appointed for a renewable term of two years;

(b) one member designated from time to time by the members of the Joint Council appointed under clause *a* of subsection 1 of section 19a; and

(c) one member designated from time to time by the members of the Joint Council appointed under clauses *b* and *c* of subsection 1 of section 19a.

Decision

(3) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the appropriate authority to be implemented.

R.S.O. 1960,  
c. 18, not  
to apply

(4) *The Arbitrations Act* does not apply to matters referred to the Civil Service Arbitration Board under this section.

1961-62,  
c. 121,  
s. 20, subs. 1,  
amended

7.—(1) Subsection 1 of section 20 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause:

(ma) prescribing periods of suspension or removal from employment for the purposes of section 15.

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *p*,  
amended

(2) Clause *p* of subsection 1 of the said section 20 is amended by striking out "a joint advisory council" in the first line, so that the clause shall read as follows:

(p) providing for departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323

(3) Clause *r* of subsection 1 of the said section 20 is repealed and the following substituted therefor:

1961-62,  
c. 121, s. 20,  
subs. 1, cl. *r*,  
re-enacted

(r) prescribing the duties and procedures of the Joint Council and the Civil Service Arbitration Board and excluding matters from the agenda of the Joint Council;

(ra) designating positions or classifications of Crown employees for the purpose of section 9a.

**8.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**9.** This Act may be cited as *The Public Service Amendment* <sup>Short title</sup>  
*Act, 1962-63.*





An Act to amend  
The Public Service Act, 1961-62

---

*1st Reading*

February 14th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

April 3rd, 1963

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MR. ALLAN (Haldimand-Norfolk)

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# **BILL 58**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Labour Relations Act**

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**MR. EDWARDS (Wentworth)**

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#### EXPLANATORY NOTE

The amendment enlarges the jurisdiction of the Jurisdictional Disputes Commission to carry out the intent of the recommendation on pages 52 and 53 of the Report of the Royal Commission on Labour-Management Relations in the construction industry. This amendment will permit the Jurisdictional Disputes Commission to receive complaints from unions, whether or not they have members in the employ of the employer or employers' organization concerned.

BILL 58

1962-63

## An Act to amend The Labour Relations Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 66 of *The Labour Relations Act* R.S.O. 1960, c. 202, s. 66, subs. 1, amended is amended by striking out "employees" where it occurs in the fifth, sixth, eighth and ninth lines and inserting in lieu thereof in each instance "persons", so that the subsection shall read as follows:

- (1) Upon complaint to the Board that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning particular work to persons in a particular trade union rather than to persons in another trade union, a jurisdictional disputes commission may, after consulting any person, employers' organization, trade union or council of trade unions that in its opinion may be affected by the complaint, make such interim order with respect to the assignment of the work as it in its discretion deems proper in the circumstances, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the interim order.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Labour Relations Amendment Act, 1962-63*. Short title

An Act to amend  
The Labour Relations Act

*1st Reading*

February 21st, 1963

*2nd Reading*

*3rd Reading*

Mr. Edwards (Wentworth)

# **BILL 59**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Department of Education Act**

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**MR. WHICHER**

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REPORT OF THE COMMISSIONER OF THE  
LAND OFFICE, ALABAMA, FOR THE YEAR 1900.

ALABAMA DEPARTMENT OF LANDS  
AND MINES, BUREAU OF LANDS.

# EXPLANATORY NOTE

Self-explanatory.

TABLE OF CONTENTS.

BILL 59

1962-63

**An Act to amend  
The Department of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 12 of *The Department of Education Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 94, s. 12,  
amended

(3a) Where, on a regular school day, the attendance at a school is reduced to less than three-quarters its average daily attendance for the year due to natural conditions beyond the control of the board, the attendance for the day shall be deemed to be the same as the average daily attendance for the year for the purpose of computing grants under this section. Attendance,  
computation  
for purpose  
of grant

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Department of Education Amendment Act, 1962-63*. Short title

An Act to amend  
The Department of Education Act

---

*1st Reading*

February 21st, 1963

*2nd Reading*

*3rd Reading*

---

MR. WHICHER

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# **BILL 60**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Research Foundation Act, 1944**

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**MR. MACAULAY**

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Ontario Research Foundation  
 Bill 1118

to amend the Research Foundation Act

# EXPLANATORY NOTE

At the present time, the members of the Board of Governors of the Ontario Research Foundation are appointed during pleasure.

The purpose of this Bill is to establish a system under which there will be more frequent changes in the composition of the Board.

Bill 1118

Ontario Research Foundation  
 Bill 1118



BILL 60

1962-63

**An Act to amend  
The Research Foundation Act, 1944**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Research Foundation Act, 1944* is <sup>1944, c. 53,</sup> amended by adding thereto the following subsections: <sup>s. 4,</sup> amended

(3) A member of the Board when this Act comes into <sup>Present</sup> force who subsequently resigns may be re-appointed <sup>members, re-</sup> <sup>appointment</sup> for a term of one, two, three, four or five years.

(4) A member of the Board who is appointed for the <sup>Future</sup> first time after this Act comes into force shall hold <sup>members,</sup> <sup>term of</sup> <sup>office</sup> office for a term of five years.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Research Foundation* <sup>Short title</sup> *Amendment Act, 1962-63.*

An Act to amend  
The Research Foundation Act, 1944

*1st Reading*

February 26th, 1963

*2nd Reading*

*3rd Reading*

MR. MACAULAY

# **BILL 60**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Research Foundation Act, 1944**

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**MR. MACAULAY**

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THE UNIVERSITY OF CHICAGO  
 LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO

BILL 60

1962-63

**An Act to amend  
The Research Foundation Act, 1944**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Research Foundation Act, 1944* is <sup>1944, c. 53, s. 4,</sup> amended by adding thereto the following subsections: <sup>amended</sup>

(3) A member of the Board when this Act comes into <sup>Present</sup> force who subsequently resigns may be re-appointed <sup>members, re-</sup> <sup>appointment</sup> for a term of one, two, three, four or five years.

(4) A member of the Board who is appointed for the <sup>Future</sup> first time after this Act comes into force shall hold <sup>members,</sup> <sup>term of</sup> <sup>office</sup> office for a term of five years.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Research Foundation* <sup>Short title</sup> *Amendment Act, 1962-63.*



An Act to amend  
The Research Foundation Act, 1944

---

*1st Reading*

February 26th, 1963

*2nd Reading*

March 1st, 1963

*3rd Reading*

April 3rd, 1963

---

Mr. MACAULAY

---

# **BILL 61**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Execution Act**

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**MR. CASS**

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RECEIVED BY THE REGISTRAR OF DEEDS  
JANUARY 11 1888

THE REGISTRAR OF DEEDS

# EXPLANATORY NOTE

The fees of registrars of deeds and masters of titles are being transferred to the regulations under *The Registry Act* and *The Land Titles Act*, respectively.

Similar transfers have been effected by amendments to *The Conditional Sales Act*, *The Investigation of Titles Act*, etc. See Bills 5 and 6 of the present Session.

7-11-88

BILL 61

1962-63

## An Act to amend The Execution Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Execution Act* is amended by striking <sup>R.S.O. 1960,</sup> out "For the registration of a notice under section 18, the <sup>c. 126, s. 22,</sup> registrar or master is entitled to a fee of 50 cents, and for the registration of a certificate under section 21, to the fee provided by *The Registry Act*, and" in the first, second, third and fourth lines, so that the section shall read as follows:

22. For every notice of seizure under section 18, the <sup>Fees of</sup> sheriff is entitled to a fee of \$1, and for every certificate under section 21 to a fee of 75 cents.

2. This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Execution Amendment Act*, <sup>Short title</sup> 1962-63.

An Act to amend The Execution Act

*1st Reading*

February 26th, 1963

*2nd Reading*

*3rd Reading*

Mr. Cass



# **BILL 61**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Execution Act**

---

MR. CASS

---



BILL 61

1962-63

## An Act to amend The Execution Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Execution Act* is amended by striking out "For the registration of a notice under section 18, the registrar or master is entitled to a fee of 50 cents, and for the registration of a certificate under section 21, to the fee provided by *The Registry Act*, and" in the first, second, third and fourth lines, so that the section shall read as follows:
 

R.S.O. 1960,  
c. 126, s. 22,  
amended
22. For every notice of seizure under section 18, the sheriff is entitled to a fee of \$1, and for every certificate under section 21 to a fee of 75 cents.
 

Fees of  
sheriff
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
 

Commence-  
ment
3. This Act may be cited as *The Execution Amendment Act*, 1962-63.
 

Short title

An Act to amend The Execution Act

*1st Reading*

February 26th, 1963

*2nd Reading*

March 1st, 1963

*3rd Reading*

April 3rd, 1963

Mr. Cass

## **BILL 62**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### **An Act to amend The Mechanics' Lien Act**

---

MR. CASS

---



# EXPLANATORY NOTE

The fees of registrars of deeds and masters of titles are being transferred to the regulations under *The Registry Act* and *The Land Titles Act*, respectively.

Similar transfers have been effected by amendments to *The Conditional Sales Act*, *The Investigation of Titles Act*, etc. See Bills 5 and 6 of the present Session.

BILL 62

1962-63

## An Act to amend The Mechanics' Lien Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 19 of *The Mechanics' Lien Act* R.S.O. 1960, c. 233, s. 19, subs. 2, repealed is repealed.
2. Subsection 3 of section 25 of *The Mechanics' Lien Act* R.S.O. 1960, c. 233, s. 25, subs. 3, repealed is repealed.
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
4. This Act may be cited as *The Mechanics' Lien Amendment Act, 1962-63*. Short title

An Act to amend 'The Mechanics' Lien Act

*1st Reading*

February 26th, 1963

*2nd Reading*

*3rd Reading*

Mr. Cass

# **BILL 62**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act to amend The Mechanics' Lien Act**

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MR. CASS

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER





BILL 62

1962-63

## An Act to amend The Mechanics' Lien Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 19 of *The Mechanics' Lien Act* R.S.O. 1960, c. 233, s. 19, subs. 2, repealed is repealed.
2. Subsection 3 of section 25 of *The Mechanics' Lien Act* R.S.O. 1960, c. 233, s. 25, subs. 3, repealed is repealed.
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
4. This Act may be cited as *The Mechanics' Lien Amendment Act, 1962-63*. Short title

An Act to amend The Mechanics' Lien Act

*1st Reading*

February 26th, 1963

*2nd Reading*

March 1st, 1963

*3rd Reading*

April 3rd, 1963

MR. CASS

# **BILL 63**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **The Notaries Act, 1962-63**

---

MR. CASS

---

#### EXPLANATORY NOTE

This is a general revision of this Act. It has not been revised since 1909.

There are two types of notaries public in Ontario: those who are also lawyers and those who are not. Each applicant of the latter group must be examined by a county judge and satisfy the judge that he is qualified for the office of notary public and that a notary public is needed for the public convenience in the place where he resides and intends to carry on business.

In order to bring about better control of this group of non-professional notaries, this Bill provides for re-examination and re-appointment every three years.

All the other principles of the present Act are retained.

BILL 63

1962-63

## The Notaries Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to section 2, the Lieutenant Governor, upon the recommendation of the Attorney General, may by commission <sup>Appoint-ments</sup> appoint such persons as he thinks fit as notaries public for Ontario. R.S.O. 1960, c. 263, s. 1, *amended*.

2.—(1) Any person, other than a barrister or solicitor, <sup>Examination</sup> desirous of being appointed or re-appointed a notary public, is subject to examination or re-examination, as the case may be, in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as is appointed in that behalf by the Lieutenant Governor in Council, and no such person shall be appointed or re-appointed a notary public without a certificate from such judge, or such other person, that he has examined or re-examined the applicant and finds him qualified for the office, and that in his opinion a notary public is needed for the public convenience in the place where the applicant resides and intends to carry on business. R.S.O. 1960, c. 263, s. 5 (1), *amended*.

(2) Where a person, other than a barrister or solicitor, is <sup>Restriction</sup> appointed or re-appointed a notary public, restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers. R.S.O. 1960, c. 263, s. 6, *amended*.

3. A notary public has and may use and exercise the power <sup>Powers</sup> of drawing, passing, keeping and issuing all deeds and contracts, charterparties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of notary public, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of notary public. R.S.O. 1960, c. 263, s. 2, *amended*.



Power to  
take  
affidavits

4.—(1) A notary public is *ex officio* a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 263, s. 3.

Need not  
affix seal on  
affidavits,  
etc.

(2) Where a notary public is authorized by any Act of this Legislature to administer oaths or to take affidavits or declarations in Ontario, it is not necessary to the validity of any such oath, affidavit or declaration that he affix his seal thereto. R.S.O. 1960, c. 263, s. 7, *amended*.

Officers  
of court

5. A notary public shall be deemed to be an officer of the Supreme Court. R.S.O. 1960, c. 263, s. 4.

Expiry of  
present  
commissions

6.—(1) The commission of every notary public, other than a barrister or solicitor, who was appointed before the 1st day of May, 1963, expires as follows:

1. If the commission is dated before the 1st day of January, 1949, it expires on the 30th day of April, 1964.
2. If the commission is dated after the 1st day of January, 1949, and before the 31st day of December, 1958, it expires on the 30th day of April, 1965.
3. If the commission is dated after the 1st day of January, 1959, and before the 1st day of May, 1963, it expires on the 30th day of April, 1966.

Expiry of  
future  
commissions

(2) The commission of every notary public, other than a barrister or solicitor, who is appointed on or after the 1st day of May, 1963, expires three years after the day on which he was appointed.

Re-appoint-  
ment

(3) Any person whose commission expires under subsection 1 or 2 may be re-appointed from time to time for a period of three years upon the production of a fresh certificate under section 2.

Indication  
of expiry of  
commissions

(4) Every notary public to whom this section applies shall indicate in writing under his signature the date upon which his commission expires. *New.*

Offences,  
notaries

7.—(1) Every notary public who as such exercises any power, performs any function or acts in any way that is not authorized by this Act or that he is not otherwise by law entitled to exercise, perform or do is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

(2) Every notary public who fails to comply with any <sup>Idem</sup> restriction imposed in his commission under subsection 2 of section 2 or who fails to comply with subsection 4 of section 6 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

(3) Every person who carries on business as a notary public <sup>Idem, other persons</sup> or who holds himself out as such or who, not being otherwise authorized by law, performs any function of a notary public without a subsisting commission under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000. *New.*

**8.**—(1) The disbarment of a barrister or the striking off <sup>Revocation of appointment upon disbarment, etc.</sup> the roll of a solicitor who holds an appointment as a notary public has the effect of revoking such appointment. R.S.O. 1960, c. 263, s. 8, *amended.*

(2) The Lieutenant Governor may revoke the commission <sup>Revocation of commission upon conviction for offence</sup> of a notary public upon his conviction for an offence against this Act. *New.*

**9.** The Lieutenant Governor in Council may make regula- <sup>Regulations</sup> tions,

(a) prescribing the fee to be paid upon appointment or re-appointment as a notary public or any class thereof; 1961-62, c. 89, s. 1, *amended.*

(b) prescribing the fee that the judge or other person examining is entitled to receive from a person examined or re-examined under section 2; R.S.O. 1960, c. 263, s. 5 (2), *part, amended.*

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

**10.** *The Notaries Act* and *The Notaries Amendment Act*, <sup>R.S.O. 1960, c. 263; 1961-62, c. 89, repealed</sup> 1961-62 are repealed.

**11.** This Act comes into force on the 1st day of May, 1963. <sup>Commencement</sup>

**12.** This Act may be cited as *The Notaries Act, 1962-63.* <sup>Short title</sup>





The Notaries Act, 1962-63

---

*1st Reading*

February 26th, 1963

*2nd Reading*

*3rd Reading*

---

Mr. Cass

---



# BILL 63

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## The Notaries Act, 1962-63

---

MR. CASS

---

*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTE

This is a general revision of this Act. It has not been revised since 1909.

There are two types of notaries public in Ontario: those who are also lawyers and those who are not. Each applicant of the latter group must be examined by a county judge and satisfy the judge that he is qualified for the office of notary public and that a notary public is needed for the public convenience in the place where he resides and intends to carry on business.

In order to bring about better control of this group of non-professional notaries, this Bill provides for re-examination and re-appointment every three years.

All the other principles of the present Act are retained.

BILL 63

1962-63

## The Notaries Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to section 2, the Lieutenant Governor, upon the recommendation of the Attorney General, may by commission <sup>Appoint-ments</sup> appoint such persons as he thinks fit as notaries public for Ontario. R.S.O. 1960, c. 263, s. 1, *amended*.

2.—(1) Any person, other than a barrister or solicitor, <sup>Examination</sup> being a Canadian citizen, who is desirous of being appointed or re-appointed a notary public, is subject to examination or re-examination, as the case may be, in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as is appointed in that behalf by the Lieutenant Governor in Council, and no such person shall be appointed or re-appointed a notary public without a certificate from such judge, or such other person, that he has examined or re-examined the applicant and finds him qualified for the office, and that in his opinion a notary public is needed for the public convenience in the place where the applicant resides and intends to carry on business. R.S.O. 1960, c. 263, s. 5 (1), *amended*.

(2) Where a person, other than a barrister or solicitor, is <sup>Restriction</sup> appointed or re-appointed a notary public, restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers. R.S.O. 1960, c. 263, s. 6, *amended*.

3. Subject to subsection 2 of section 2, a notary public has <sup>Powers</sup> and may use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of notary public, and may demand,

receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of notary public. R.S.O. 1960, c. 263, s. 2, *amended*.

**4.—**(1) A notary public has and may exercise the powers of a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 263, s. 3, *amended*.

(2) Where a notary public is authorized by any Act of this Legislature to administer oaths or to take affidavits or declarations in Ontario, it is not necessary to the validity of any such oath, affidavit or declaration that he affix his seal thereto. R.S.O. 1960, c. 263, s. 7, *amended*.

**5.—**(1) The commission of every notary public, other than a barrister or solicitor, who was appointed before the 1st day of July, 1963, expires as follows:

1. If the commission is dated before the 1st day of January, 1949, it expires on the 30th day of June, 1964.
2. If the commission is dated after the 1st day of January, 1949, and before the 31st day of December, 1958, it expires on the 30th day of June, 1965.
3. If the commission is dated after the 1st day of January, 1959, and before the 1st day of July, 1963, it expires on the 30th day of June, 1966.

(2) The commission of every notary public, other than a barrister or solicitor, who is appointed on or after the 1st day of July, 1963, expires three years after the day on which he was appointed.

(3) Any person whose commission expires under subsection 1 or 2 may be re-appointed from time to time for a period of three years upon the production of a fresh certificate under section 2.

(4) Every notary public to whom this section applies shall indicate in writing under his signature the date upon which his commission expires. *New.*

**6.—**(1) Every notary public who as such exercises any power, performs any function or acts in any way that is not authorized by this Act or that he is not otherwise by law entitled to exercise, perform or do is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.



(2) Every notary public who fails to comply with any restriction imposed in his commission under subsection 2 of section 2 or who fails to comply with subsection 4 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. <sup>Idem</sup>

(3) Every person who carries on business as a notary public or who holds himself out as such or who, not being otherwise authorized by law, performs any function of a notary public without a subsisting commission under this Act or any predecessor of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000. *New.* <sup>Idem, other persons</sup>

7.—(1) Upon the disbarment of a barrister or the striking off the roll of a solicitor who holds an appointment as a notary public, the Lieutenant Governor shall revoke his appointment as a notary public. R.S.O. 1960, c. 263, s. 8, *amended.* <sup>Revocation of appointment upon disbarment, etc.</sup>

(2) The Lieutenant Governor may revoke the commission of a notary public upon his conviction for an offence against this Act or for any other conduct that in the opinion of the Lieutenant Governor, upon the recommendation of the Attorney General, renders him unfit to hold the office of notary public. *New.* <sup>Revocation of commission upon conviction for offence</sup>

8. The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) prescribing the fee to be paid upon appointment or re-appointment as a notary public or any class thereof; 1961-62, c. 89, s. 1, *amended.*
- (b) prescribing the fee that the judge or other person examining is entitled to receive from a person examined or re-examined under section 2; R.S.O. 1960, c. 263, s. 5 (2), *part, amended.*
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

9. *The Notaries Act* and *The Notaries Amendment Act*, 1961-62 are repealed. <sup>R.S.O. 1960, c. 263; 1961-62, c. 89, repealed</sup>

10. This Act comes into force on the 1st day of July, 1963. <sup>Commencement</sup>

11. This Act may be cited as *The Notaries Act, 1962-63.* <sup>Short title</sup>







The Notaries Act, 1962-63

---

*1st Reading*

February 26th, 1963

*2nd Reading*

March 1st, 1963

*3rd Reading*

---

Mr. Cass

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*(Reprinted as amended by the  
Committee on Legal Bills)*

# **BILL 63**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **The Notaries Act, 1962-63**

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MR. CASS

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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BILL 63

1962-63

## The Notaries Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to section 2, the Lieutenant Governor, upon the <sup>Appoint-ments</sup> recommendation of the Attorney General, may by commission appoint such persons as he thinks fit as notaries public for Ontario. R.S.O. 1960, c. 263, s. 1, *amended*.

2.—(1) Any person, other than a barrister or solicitor, <sup>Examination</sup> being a Canadian citizen, who is desirous of being appointed or re-appointed a notary public, is subject to examination or re-examination, as the case may be, in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as is appointed in that behalf by the Lieutenant Governor in Council, and no such person shall be appointed or re-appointed a notary public without a certificate from such judge, or such other person, that he has examined or re-examined the applicant and finds him qualified for the office, and that in his opinion a notary public is needed for the public convenience in the place where the applicant resides and intends to carry on business. R.S.O. 1960, c. 263, s. 5 (1), *amended*.

(2) Where a person, other than a barrister or solicitor, is <sup>Restriction</sup> appointed or re-appointed a notary public, restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers. R.S.O. 1960, c. 263, s. 6, *amended*.

3. Subject to subsection 2 of section 2, a notary public has <sup>Powers</sup> and may use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of notary public, and may demand,

receive and have all the rights, profits and emoluments right-fully appertaining and belonging to the calling of notary public. R.S.O. 1960, c. 263, s. 2, *amended*.

Power to  
take  
affidavits

4.—(1) A notary public has and may exercise the powers of a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 263, s. 3, *amended*.

Need not  
affix seal on  
affidavits,  
etc.

(2) Where a notary public is authorized by any Act of this Legislature to administer oaths or to take affidavits or declarations in Ontario, it is not necessary to the validity of any such oath, affidavit or declaration that he affix his seal thereto. R.S.O. 1960, c. 263, s. 7, *amended*.

Expiry of  
present  
commissions

5.—(1) The commission of every notary public, other than a barrister or solicitor, who was appointed before the 1st day of July, 1963, expires as follows:

1. If the commission is dated before the 1st day of January, 1949, it expires on the 30th day of June, 1964.
2. If the commission is dated after the 1st day of January, 1949, and before the 31st day of December, 1958, it expires on the 30th day of June, 1965.
3. If the commission is dated after the 1st day of January, 1959, and before the 1st day of July, 1963, it expires on the 30th day of June, 1966.

Expiry of  
future  
commissions

(2) The commission of every notary public, other than a barrister or solicitor, who is appointed on or after the 1st day of July, 1963, expires three years after the day on which he was appointed.

Re-appoint-  
ment

(3) Any person whose commission expires under subsection 1 or 2 may be re-appointed from time to time for a period of three years upon the production of a fresh certificate under section 2.

Indication  
of expiry of  
commissions

(4) Every notary public to whom this section applies shall indicate in writing under his signature the date upon which his commission expires. *New*.

Offences,  
notaries

6.—(1) Every notary public who as such exercises any power, performs any function or acts in any way that is not authorized by this Act or that he is not otherwise by law entitled to exercise, perform or do is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

(2) Every notary public who fails to comply with any restriction imposed in his commission under subsection 2 of section 2 or who fails to comply with subsection 4 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. <sup>Idem</sup>

(3) Every person who carries on business as a notary public or who holds himself out as such or who, not being otherwise authorized by law, performs any function of a notary public without a subsisting commission under this Act or any predecessor of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000. *New.* <sup>Idem, other persons</sup>

7.—(1) Upon the disbarment of a barrister or the striking off the roll of a solicitor who holds an appointment as a notary public, the Lieutenant Governor shall revoke his appointment as a notary public. R.S.O. 1960, c. 263, s. 8, *amended.* <sup>Revocation of appointment upon disbarment, etc.</sup>

(2) The Lieutenant Governor may revoke the commission of a notary public upon his conviction for an offence against this Act or for any other conduct that in the opinion of the Lieutenant Governor, upon the recommendation of the Attorney General, renders him unfit to hold the office of notary public. *New.* <sup>Revocation of commission upon conviction for offence</sup>

8. The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

(a) prescribing the fee to be paid upon appointment or re-appointment as a notary public or any class thereof; 1961-62, c. 89, s. 1, *amended.*

(b) prescribing the fee that the judge or other person examining is entitled to receive from a person examined or re-examined under section 2; R.S.O. 1960, c. 263, s. 5 (2), *part, amended.*

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

9. *The Notaries Act* and *The Notaries Amendment Act*, 1961-62 are repealed. <sup>R.S.O. 1960, c. 263; 1961-62, c. 89, repealed</sup>

10. This Act comes into force on the 1st day of July, 1963. <sup>Commencement</sup>

11. This Act may be cited as *The Notaries Act, 1962-63.* <sup>Short title</sup>









The Notaries Act, 1962-63

---

*1st Reading*

February 26th, 1963

*2nd Reading*

March 1st, 1963

*3rd Reading*

April 3rd, 1963

---

Mr. Cass

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# **BILL 64**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Public Lands Act**

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MR. ROBERTS

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RECEIVED DEPARTMENT OF THE INTERIOR  
WASHINGTON, D. C.

THE DEPARTMENT OF THE INTERIOR

EXPLANATORY NOTE

These new provisions provide statutory authority for existing administrative practices in respect of the disposition of public lands.

BILL 64

1962-63

## An Act to amend The Public Lands Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 324,  
amended

67b.—(1) Unless the Minister otherwise directs, every patent, lease or licence of occupation issued under this Act shall contain a provision to the effect that the surface rights in any public or colonization road or any highway crossing the land granted, leased or licensed are excepted therefrom. Surface  
rights in  
roads, etc.

(2) Every patent, lease or licence of occupation issued under this Act shall reserve to the Crown such percentage, if any, of the surface rights of the land as the Minister deems necessary for road purposes. Idem

(3) Where in any patent, lease or licence of occupation heretofore issued under this Act or any predecessor thereof there is a reservation of a percentage of the land for road purposes and the rights with respect thereto have not been exercised before the 1st day of May, 1963, the reservation shall be deemed to be a reservation of the surface rights only. Idem

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Public Lands Amendment Act, 1962-63*. Short title

An Act to amend The Public Lands Act

*1st Reading*

February 28th, 1963

*2nd Reading*

*3rd Reading*

MR. ROBERTS



# **BILL 64**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Public Lands Act**

---

**MR. ROBERTS**

---



BILL 64

1962-63

## An Act to amend The Public Lands Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 324,  
amended

67b.—(1) Unless the Minister otherwise directs, every patent, lease or licence of occupation issued under this Act shall contain a provision to the effect that the surface rights in any public or colonization road or any highway crossing the land granted, leased or licensed are excepted therefrom. Surface  
rights in  
roads, etc.

(2) Every patent, lease or licence of occupation issued under this Act shall reserve to the Crown such percentage, if any, of the surface rights of the land as the Minister deems necessary for road purposes. Idem

(3) Where in any patent, lease or licence of occupation heretofore issued under this Act or any predecessor thereof there is a reservation of a percentage of the land for road purposes and the rights with respect thereto have not been exercised before the 1st day of May, 1963, the reservation shall be deemed to be a reservation of the surface rights only. Idem

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Public Lands Amendment Act, 1962-63*. Short title

An Act to amend The Public Lands Act

---

*1st Reading*

February 28th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROBERTS

---

# **BILL 65**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Children's Boarding Homes Act**

---

MR. CECILE

---



THE MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES  
ACT, 1962-63

EXPLANATORY NOTE

The reference to *The Mothers' and Dependent Children's Allowances Act* is changed to agree with the name of that Act as changed by *The Mothers' and Dependent Children's Allowances Amendment Act, 1962-63*.

BILL 65

1962-63

**An Act to amend  
The Children's Boarding Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subclause ii of clause *b* of section 1 of *The Children's Boarding Homes Act* is amended by striking out "*The Mothers' and Dependent Children's Allowances Act*" in the second, third and fourth lines and inserting in lieu thereof "*The Mothers' Allowances Act*", so that the subclause shall read as follows:

R.S.O. 1960,  
c. 54, s. 1,  
cl. b,  
subcl. ii,  
amended

(ii) a private home in which there are foster children who are beneficiaries under *The Mothers' Allowances Act*.

R.S.O. 1960,  
c. 247

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Children's Boarding Homes Amendment Act, 1962-63*.

Short title

An Act to amend  
The Children's Boarding Homes Act

*1st Reading*

February 28th, 1963

*2nd Reading*

*3rd Reading*

MR. CECILE

# BILL 65

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## An Act to amend The Children's Boarding Homes Act

---

MR. CECILE

---





BILL 65

1962-63

**An Act to amend  
The Children's Boarding Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *b* of section 1 of *The Children's Boarding Homes Act* is amended by striking out "*The Mothers' and Dependent Children's Allowances Act*" in the second, third and fourth lines and inserting in lieu thereof "*The Mothers' Allowances Act*", so that the subclause shall read as follows: R.S.O. 1960,  
c. 54, s. 1,  
cl. b,  
subcl. ii,  
amended

(ii) a private home in which there are foster children who are beneficiaries under *The Mothers' Allowances Act*. R.S.O. 1960,  
c. 247

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Children's Boarding Homes Amendment Act, 1962-63*. Short title

An Act to amend  
The Children's Boarding Homes Act

---

*1st Reading*

February 28th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 3rd, 1963

---

MR. CECILE

---

# **BILL 66**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Line Fences Act**

---

**MR. SPOONER**

---

1997-1998 Session  
 11th May 1998

Bill 31: The Access to Information Act

# EXPLANATORY NOTE

The amendment deletes the provision requiring the clerk of a municipality to send to the Department a copy of the by-law making the Act apply in such municipality.

BILL 66

1962-63

## An Act to amend The Line Fences Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 1 of *The Line Fences Act* is amended by striking out "and if a by-law is passed it is the duty of the clerk of the township to send forthwith a true copy of it to the Department of Municipal Affairs" in the fourth, fifth and sixth lines, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 216, s. 1,  
subs. 3,  
amended

(3) This Act applies *mutatis mutandis* to unoccupied land as well as to occupied land in any township in a county or district if the council of the township passes a by-law declaring that this Act so applies.

By-law  
making Act  
apply to  
unoccupied  
lands in  
township

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment 1

3. This Act may be cited as *The Line Fences Amendment Act, 1962-63*.

Short title



An Act to amend The Line Fences Act

*1st Reading*

February 28th, 1963

*2nd Reading*

*3rd Reading*

MR. SPOONER

# **BILL 66**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Line Fences Act**

---

MR. SPOONER

---



BILL 66

1962-63

## An Act to amend The Line Fences Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 1 of *The Line Fences Act* is amended by striking out "and if a by-law is passed it is the duty of the clerk of the township to send forthwith a true copy of it to the Department of Municipal Affairs" in the fourth, fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 216, s. 1,  
subs. 3,  
amended

(3) This Act applies *mutatis mutandis* to unoccupied land as well as to occupied land in any township in a county or district if the council of the township passes a by-law declaring that this Act so applies. By-law  
making Act  
apply to  
unoccupied  
lands in  
township

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Line Fences Amendment Act, 1962-63*. Short title

An Act to amend The Line Fences Act

*1st Reading*

February 28th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

April 3rd, 1963

MR. SPOONER



# **BILL 67**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Local Improvement Act**

---

**MR. SPOONER**

---

#### EXPLANATORY NOTES

SECTION 1. At present, street lighting can only be constructed as a local improvement on petition. The requirement for a petition is deleted.

SECTION 2. At present, notice of intention to apply to the Ontario Municipal Board for approval of a work must be published in the local newspaper. The amendment provides that the notices may be mailed to the owners of land affected by the proposed work and published.

SECTION 3. Form 2 is amended to conform to the amendments made to section 8 of the Act. See section 2 of this Bill.

BILL 67

1962-63

## An Act to amend The Local Improvement Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out "on petition only" in the first line, so that the clause shall read as follows: R.S.O. 1960,  
c. 223, s. 2,  
subs. 1,  
cl. *n*,  
amended

(*n*) constructing and erecting, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works that would otherwise be provided at the expense of the corporation at large.

2. Section 8 of *The Local Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 223, s. 8,  
amended

(3a) Instead of publishing a notice as provided in subsection 3, the notice (Form 2) may be sent by prepaid mail to every owner appearing by the last revised assessment roll to be the owner of property that will abut on the work and by publication at least once of the notice (Form 2), and any owner may, within twenty-one days after the publication or mailing of the notice, whichever is the later, file with the clerk his objection to the work being undertaken. Mailing of  
notice

3. Form 2 of *The Local Improvement Act* is amended by striking out paragraph 3 and inserting in lieu thereof the following: R.S.O. 1960,  
c. 223,  
Form 2,  
amended

3. Application will be made by the Corporation to the Ontario Municipal Board for its approval of the undertaking of the work and,

- (a) where this Form is published under subsection 3 of section 8 of *The Local Improvement Act*, any owner may within twenty-one days after the first publication of this notice file with the clerk his objection to the work being undertaken; or
- (b) where this Form is mailed and published under subsection 3a of the said section 8, any owner may within twenty-one days after the publication or mailing of the notice, whichever is later, file with the clerk his objection to the work being undertaken.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Local Improvement Amendment Act, 1962-63*.









An Act to amend  
The Local Improvement Act

---

*1st Reading*

February 28th, 1963

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

---

# BILL 67

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## An Act to amend The Local Improvement Act

---

MR. SPOONER

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER





BILL 67

1962-63

## An Act to amend The Local Improvement Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out "on petition only" in the first line, so that the clause shall read as follows: R.S.O. 1960,  
c. 223, s. 2,  
subs. 1,  
cl. *n*,  
amended

(*n*) constructing and erecting, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works that would otherwise be provided at the expense of the corporation at large.

2. Section 8 of *The Local Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 223, s. 8,  
amended

(3a) Instead of publishing a notice as provided in subsection 3, the notice (Form 2) may be sent by pre-paid mail to every owner appearing by the last revised assessment roll to be the owner of property that will abut on the work and by publication at least once of the notice (Form 2), and any owner may, within twenty-one days after the publication or mailing of the notice, whichever is the later, file with the clerk his objection to the work being undertaken. Mailing of  
notice

3. Form 2 of *The Local Improvement Act* is amended by striking out paragraph 3 and inserting in lieu thereof the following: R.S.O. 1960,  
c. 223,  
Form 2,  
amended

3. Application will be made by the Corporation to the Ontario Municipal Board for its approval of the undertaking of the work and,

- (a) where this Form is published under subsection 3 of section 8 of *The Local Improvement Act*, any owner may within twenty-one days after the first publication of this notice file with the clerk his objection to the work being undertaken; or
- (b) where this Form is mailed under subsection 3a of the said section 8, any owner may within twenty-one days after the publication or mailing of the notice, whichever is later, file with the clerk his objection to the work being undertaken.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Local Improvement Amendment Act, 1962-63*.









An Act to amend  
The Local Improvement Act

---

*1st Reading*

February 28th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

April 3rd, 1963

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MR. SPOONER

---

**BILL 68**



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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

**An Act to amend The Ontario Municipal Board Act**

---

**MR. SPOONER**

---

COMPANY, INCORPORATED IN THE DISTRICT OF COLUMBIA  
 JULY 11, 1900

THE BOARD OF SUPERVISORS OF THE DISTRICT OF COLUMBIA

#### EXPLANATORY NOTE

The provisions in clause *b* have been added to subsection 2 to make it clear that the Board's approval to the appointment of an engineer or commissioner under *The Municipal Drainage Act* is not required, even though the fees and remuneration of these officers may be included in the cost of the drainage works.

BILL 68

1962-63

## An Act to amend The Ontario Municipal Board Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 64 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 274, s. 64,  
subs. 2,  
re-enacted

(2) Subsection 1 does not apply,

Application  
of section

(a) to the exercise of powers to proceed with any of the undertakings, works, projects, schemes, acts, matters or things referred to in subsection 2 of section 286 of *The Municipal Act* R.S.O. 1960,  
c. 249 except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality; or

(b) to the appointment of an engineer, land surveyor or commissioner under *The Municipal Drainage Act*. R.S.O. 1960,  
c. 252

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1962-63*. Short title

An Act to amend  
The Ontario Municipal Board Act

*1st Reading*

February 28th, 1963

*2nd Reading*

*3rd Reading*

MR. SPOONER



# **BILL 68**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Ontario Municipal Board Act**

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**MR. SPOONER**

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BILL 68

1962-63

**An Act to amend  
The Ontario Municipal Board Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 64 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 274, s. 64, subs. 2, re-enacted

(2) Subsection 1 does not apply,

Application  
of section

(a) to the exercise of powers to proceed with any of the undertakings, works, projects, schemes, acts, matters or things referred to in subsection 2 of section 286 of *The Municipal Act* R.S.O. 1960, c. 249 except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality; or

(b) to the appointment of an engineer, land surveyor or commissioner under *The Municipal Drainage Act*. R.S.O. 1960, c. 252

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1962-63*. Short title

An Act to amend  
The Ontario Municipal Board Act

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*1st Reading*

February 28th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

April 3rd, 1963

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MR. SPOONER

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# **BILL 69**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Department of Municipal Affairs Act**

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**MR. SPOONER**

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EXPLANATORY NOTES

SECTION 1. Some doubt has arisen as to the authority of the Department to provide that the tax arrears procedures of *The Department of Municipal Affairs Act* shall apply in school sections in unorganized territory in lieu of the procedures set out in section 61 of *The Public Schools Act* and section 26 of *The Secondary Schools and Boards of Education Act*. The amendment is to make it clear that the Department has this authority.

SECTION 2. Notice of registration of a tax arrears certificate is required to be given immediately upon such registration to all interested parties. The amendment will require the treasurer to give such notice within ninety days of the registration.

BILL 69

1962-63

## An Act to amend The Department of Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 13 of *The Department of Municipal Affairs Act* is amended by inserting after "Act" in the third line "*The Public Schools Act* and *The Secondary Schools and Boards of Education Act*", so that the clause shall read as follows:

R.S.O. 1960,  
c. 98, s. 13,  
cl. b,  
amended

(b) order that the tax arrears procedures of this Act shall apply and that the tax sale procedures of *The Assessment Act*, *The Public Schools Act* and *The Secondary Schools and Boards of Education Act* shall not apply, and in such case the use or disposition of land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition are subject to the approval of the Department.

R.S.O. 1960,  
cc. 23, 330,  
362

2. Subsection 4 of section 47 of *The Department of Municipal Affairs Act* is amended by striking out "Immediately upon" in the first line and inserting in lieu thereof "Within ninety days after", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 98, s. 47,  
subs. 4,  
amended

(4) Within ninety days after registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein a written notice (Form 2) of the registration of such certificate and of the last day for redemption of the land.

Notice of  
registration  
certificate

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1962-63*.

En-1491

W. A. 117

## The Department of Municipal Affairs Act

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An Act to amend  
The Department of Municipal Affairs Act

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*1st Reading*

February 28th, 1963

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 69**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Department of Municipal Affairs Act**

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**MR. SPOONER**

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BILL 69

1962-63

## An Act to amend The Department of Municipal Affairs Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 13 of *The Department of Municipal Affairs Act* is amended by inserting after "Act" in the third line "*The Public Schools Act and The Secondary Schools and Boards of Education Act*", so that the clause shall read as follows: R.S.O. 1960,  
c. 98, s. 13,  
cl. *b*,  
amended

(*b*) order that the tax arrears procedures of this Act shall apply and that the tax sale procedures of *The Assessment Act, The Public Schools Act and The Secondary Schools and Boards of Education Act* shall not apply, and in such case the use or disposition of land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition are subject to the approval of the Department. R.S.O. 1960,  
c. 23, 330,  
362

2. Subsection 4 of section 47 of *The Department of Municipal Affairs Act* is amended by striking out "Immediately upon" in the first line and inserting in lieu thereof "Within ninety days after", so that the subsection shall read as follows: R.S.O. 1960,  
c. 98, s. 47,  
subs. 4,  
amended

(4) Within ninety days after registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein a written notice (Form 2) of the registration of such certificate and of the last day for redemption of the land. Notice of  
registration  
certificate



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1962-63*.

THE DEPARTMENT OF MUNICIPAL AFFAIRS

THE DEPARTMENT OF MUNICIPAL AFFAIRS

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THE DEPARTMENT OF MUNICIPAL AFFAIRS

THE DEPARTMENT OF MUNICIPAL AFFAIRS







An Act to amend  
The Department of Municipal Affairs Act

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*1st Reading*

February 28th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

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MR. SPOONER

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# **BILL 70**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Planning Act**

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**MR. SPOONER**

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#### EXPLANATORY NOTES

SECTION 1. The provisions repealed are now dealt with in section 25a as set out in section 5 of this Bill.

SECTION 2. At present, the planning board is required to lodge the official plan in various offices. The amendments will require the clerk of the designated municipality to carry out such duties instead of the planning board.

SECTION 3. The provisions repealed are now dealt with in the new section 25a as set out in section 5 of this Bill.

SECTION 4. The subsection is re-enacted to make it clear that the official plan in relation to the designation of a redevelopment area must be an official plan in respect of land use.

BILL 70

1962-63

## An Act to amend The Planning Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 2 of *The Planning Act*, as enacted by section 1 of *The Planning Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 296, s. 2,  
subs. 9  
(1961-62,  
c. 104, s. 1),  
repealed

2.—(1) Subsection 1 of section 13 of *The Planning Act* is amended by striking out "planning board" in the third line and inserting in lieu thereof "clerk of the designated municipality", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 1,  
amended

(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the clerk of the designated municipality in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Lodging of  
official plan

(2) Subsection 2 of the said section 13 is amended by striking out "planning board" in the second line and inserting in lieu thereof "clerk of the designated municipality", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 2,  
amended

(2) A duplicate original of the official plan shall be lodged by the clerk of the designated municipality in every registry office of lands within the planning area, where it shall be made available to the public as a production.

Idem

3. Subsection 3 of section 19 of *The Planning Act* is repealed.

R.S.O. 1960,  
c. 296, s. 19,  
subs. 3,  
repealed

4. Subsection 2 of section 20 of *The Planning Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 296, s. 20,  
subs. 2,  
re-enacted

Designation  
of re-  
development  
area

- (2) The council of a municipality that has an official plan in respect of land use may, with the approval of the Minister, by by-law designate the whole or any part of an area covered by such an official plan as a redevelopment area, and the redevelopment area shall not be altered or dissolved without the approval of the Minister.

R.S.O. 1960,  
c. 296,  
Part I,  
amended

5. Part I of *The Planning Act* is amended by adding thereto the following section:

Interpre-  
tation

- 25a. For the purposes of this Part, "municipality" includes a county.

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
subs. 1, cl. e,  
amended

- 6.—(1) Clause *e* of subsection 1 of section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, is amended by striking out "the conveyance, mortgage, charge or agreement" in the tenth and eleventh lines and inserting in lieu thereof "conveying, mortgaging, charging or agreeing to sell the land or agreeing to grant directly or by entitlement to renewal for a period of twenty-one years or more the use of or right in land", so that the clause shall read as follows:

(e) the consent,

- (i) of the planning board of the planning area in which the land lies, or
- (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
- (iii) where there is no planning board, of the Minister,

is given to conveying, mortgaging, charging or agreeing to sell the land or agreeing to grant directly or by entitlement to renewal for a period of twenty-one years or more the use of or right in land.

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
subs. 3, cl. c,  
amended

- (2) Clause *c* of subsection 3 of the said section 26 is amended by striking out "the conveyance, mortgage, charge or agreement" in the tenth and eleventh lines and inserting in lieu thereof "conveying, mortgaging, charging or agreeing to sell the land or agreeing to grant directly or by entitlement to renewal for a period of twenty-one years or more the use of or right in land", so that the clause shall read as follows:

SECTION 5. All the provisions of Part I dealing with official plans are made applicable to counties.

SECTION 6—Subsections 1 and 2. The amendments are to make it clear that the consent is not given to a particular conveyance, mortgage or agreement.



Subsection 3. The amendment provides that a consent given to the sale, etc., of land within an area of subdivision control shall lapse six months after the consent was given unless the land is actually sold, etc., within such period.

SECTION 7. The amendment provides that orders of the Minister with respect to areas of subdivision control shall be registered in the same manner as by-laws that designate areas of subdivision control.

SECTION 8—Subsection 1. Under the present subsection 7, it has been considered that, if any question arises as to a particular condition to be imposed by the Minister, the Minister is required to refer the whole matter to the Municipal Board. The amendment would permit the reference to the Board of a single question in respect of the conditions to be imposed.

(c) the consent,

- (i) of the planning board of the planning area in which the land lies, or
- (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
- (iii) where there is no planning board, of the Minister,

is given to conveying, mortgaging, charging or agreeing to sell the land or agreeing to grant directly or by entitlement to renewal for a period of twenty-one years or more the use of or right in land.

(3) The said section 26 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
amended

- (3a) Any consent hereafter granted under subsection 1 or 3 shall lapse at the expiration of six months after the date upon which the consent was granted unless within such period the land in respect of which the consent was granted was sold, mortgaged or charged or an agreement was entered into for the sale or purchase of such land or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.

Consent to  
lapse after  
six months

7. Subsection 3 of section 27 of *The Planning Act* is amended by adding at the end thereof "and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 27,  
subs. 3,  
amended

- (3) The Minister may give notice of any such order in such manner as he deems expedient, and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions.

Notice and  
registration  
of order

8.—(1) Subsections 7 and 8 of section 28 of *The Planning Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 296, s. 28,  
subs. 7, 8,  
re-enacted

Reference of  
conditions

- (7) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister, or any of them, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the Minister.

Cash  
payment  
in lieu of  
conveyance

- (8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision.

R.S.O. 1960,  
c. 296, s. 28,  
subs. 10,  
amended

- (2) Subsection 10 of the said section 28, as amended by subsection 2 of section 5 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after "9" in the third line "less any amount expended by the municipality out of its general funds in respect of such land", so that the subsection shall read as follows:

Special  
account

- (10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,  
c. 408

R.S.O. 1960,  
c. 296, s. 30,  
subs. 1,  
par. 3,  
amended

9. Paragraph 3 of subsection 1 of section 30 of *The Planning Act* is amended by striking out "a building or structure for residential or commercial purposes" in the first and second lines and inserting in lieu thereof "any class or classes of buildings or structures", so that the paragraph shall read as follows:

At present, subsection 8 providing for payments of cash in lieu of the conveyance of the 5 per cent of the lands for public purposes is related to an official plan. The reference to an official plan is deleted, and the amendment will permit all municipalities, when authorized by the Minister, to accept cash instead of the conveyance of the 5 per cent lands.

Subsection 2. At present, all moneys received on the sale of land that is conveyed to a municipality for public purposes under subsection 5 are required to be paid into a special account which can only be used to purchase other lands to be used for public purposes. The amendment provides that any moneys that have been expended by the municipality out of its general funds in respect of lands so sold shall be returned to the general funds out of the moneys received from the sale of such lands.

SECTION 9. At present restricted-area by-laws may prohibit the erection of buildings or structures for residential or commercial purposes on land that is subject to flooding, etc. The provisions are extended to include any class of building or structure.



SECTION 10—Subsection 1. A building permit may be refused if the structure to be constructed would be contrary to any by-law of the municipality or of any other municipality. As the definition of "municipality" in the Act does not include a county or a metropolitan municipality, it is necessary to include them specifically.

Subsection 2. The amendment authorizes local municipalities to pass by-laws for the control of termites.



3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Marshy  
lands

10.—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act*, as amended by subsection 1 of section 7 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after "municipality" where it occurs the first time in the amendment of 1961-62 "including a county and a metropolitan municipality", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
par. 1,  
amended

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality. Size and  
strength of  
walls, etc.,  
and pro-  
duction of  
plans

(2) Subsection 1 of the said section 31 is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
amended

21a. For requiring,

- (a) any building or structure heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects;
- (b) the repair of any part of any building or structure that has been damaged by termites or other wood-destroying insects;
- (c) the removal and destruction of all wooden poles, trees, stumps or other wooden or cellulose material that is not part of a building if

Control of  
termites

they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects.

R.S.O. 1960, c. 296, s. 32<sup>a</sup> (1961-62, c. 104, s. 8), subs. 3, re-enacted **11.**—(1) Subsection 3 of section 32<sup>a</sup> of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Qualification  
of member

- (3) A member of a committee of adjustment shall be a resident or ratepayer of the municipality, but in no event is a member of the council of the municipality or an employee of the municipality or of a local board thereof eligible for appointment.

R.S.O. 1960, c. 296, s. 32<sup>a</sup> (1961-62, c. 104, s. 8), subs. 5, amended (2) Subsection 5 of the said section 32<sup>a</sup> is amended by striking out "with the approval of the Minister" in the fourth and fifth lines, so that the subsection shall read as follows:

Idem

- (5) Members of the committee shall hold office until their successors are appointed and approved, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

R.S.O. 1960, c. 296, s. 32<sup>b</sup> (1961-62, c. 104, s. 8), subs. 5, re-enacted **12.**—(1) Subsection 5 of section 32<sup>b</sup> of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Tariff  
of fees

- (5) The committee may prescribe a tariff of fees payable in respect of applications made to it, which may vary according to the type of the application, but in no case shall the fee payable on any application be more than \$25.

R.S.O. 1960, c. 296, s. 32<sup>b</sup> (1961-62, c. 104, s. 8), subs. 10, re-enacted

(2) Subsection 10 of the said section 32<sup>b</sup> is repealed and the following substituted therefor:

Notice of  
decision

- (10) The secretary-treasurer shall send by registered mail one copy of the decision, certified by him, to the Minister, to the applicant and to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision, together with a notice of the last day for appealing to the Municipal Board.

R.S.O. 1960, c. 296, s. 32<sup>b</sup> (1961-62, c. 104, s. 8), subs. 11, amended (3) Subsection 11 of the said section 32<sup>b</sup> is amended by striking out "two copies" in the second line and inserting in lieu thereof "one copy", so that the subsection, exclusive of the paragraphs, shall read as follows:

SECTION 11. The amendments remove the requirement for the approval of the Minister of appointments to a committee of adjustment and provide that a member shall be a resident or ratepayer of the municipality.

SECTION 12—Subsection 1. Subsection 5, as re-enacted, will authorize a committee to prescribe a tariff of fees on a graduated scale to be paid on applications instead of prescribing the same fee for all applications as is now authorized.

Subsections 2 and 3. The effect of the amendments is that only one copy of the decision and one copy of the application and supporting material are required to be sent to the Minister instead of two copies as are now required.



- (11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, one copy of the following documents:

. . . . .

**13.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**14.** This Act may be cited as *The Planning Amendment Act, 1962-63*. <sup>Short title</sup>



An Act to amend The Planning Act

*1st Reading*

February 28th, 1963

*2nd Reading*

*3rd Reading*

MR. SPOONER

# BILL 70

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Planning Act

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MR. SPOONER

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*(Reprinted as amended by the Committee on Municipal Law)*

#### EXPLANATORY NOTES

SECTION 1. The provisions repealed are now dealt with in section 25a as set out in section 5 of this Bill.

SECTION 2. At present, the planning board is required to lodge the official plan in various offices. The amendments will require the clerk of the designated municipality to carry out such duties instead of the planning board.

SECTION 3. The provisions repealed are now dealt with in the new section 25a as set out in section 5 of this Bill.

SECTION 4. The subsection is re-enacted to make it clear that the official plan in relation to the designation of a redevelopment area must be an official plan in respect of land use.

## BILL 70

1962-63

## An Act to amend The Planning Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 2 of *The Planning Act*, as enacted by section 1 of *The Planning Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 296, s. 2,  
subs. 9  
(1961-62,  
c. 104, s. 1),  
repealed

2.—(1) Subsection 1 of section 13 of *The Planning Act* is amended by striking out "planning board" in the third line and inserting in lieu thereof "clerk of the designated municipality", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 1,  
amended

(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the clerk of the designated municipality in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Lodging of  
official plan

(2) Subsection 2 of the said section 13 is amended by striking out "planning board" in the second line and inserting in lieu thereof "clerk of the designated municipality", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 2,  
amended

(2) A duplicate original of the official plan shall be lodged by the clerk of the designated municipality in every registry office of lands within the planning area, where it shall be made available to the public as a production.

Idem

3. Subsection 3 of section 19 of *The Planning Act* is repealed.

R.S.O. 1960,  
c. 296, s. 19,  
subs. 3,  
repealed

4. Subsection 2 of section 20 of *The Planning Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 296, s. 20,  
subs. 2,  
re-enacted



Designation  
of re-  
development  
area

- (2) The council of a municipality that has an official plan in respect of land use may, with the approval of the Minister, by by-law designate the whole or any part of an area covered by such an official plan as a redevelopment area, and the redevelopment area shall not be altered or dissolved without the approval of the Minister.

R.S.O. 1960,  
c. 296,  
Part I,  
amended

5. Part I of *The Planning Act* is amended by adding thereto the following section:

Interpre-  
tation

- 25a. For the purposes of this Part, "municipality" includes a county.

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
amended

6. Section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Consent to  
lapse after  
six months

- (3a) Any consent hereafter granted under subsection 1 or 3 shall lapse at the expiration of six months after the date upon which the consent was granted unless within such period the land in respect of which the consent was granted was sold, mortgaged or charged or an agreement was entered into for the sale or purchase of such land or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.

R.S.O. 1960,  
c. 296, s. 27,  
subs. 3,  
amended

7. Subsection 3 of section 27 of *The Planning Act* is amended by adding at the end thereof "and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions", so that the subsection shall read as follows:

Notice and  
registration  
of order

- (3) The Minister may give notice of any such order in such manner as he deems expedient, and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions.

R.S.O. 1960,  
c. 296, s. 28,  
subs. 7, 8,  
re-enacted

- 8.—(1) Subsections 7 and 8 of section 28 of *The Planning Act* are repealed and the following substituted therefor:

Reference of  
conditions

- (7) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister,



SECTION 5. All the provisions of Part I dealing with official plans are made applicable to counties.

SECTION 6. The amendment provides that a consent given to the sale, etc., of land within an area of subdivision control shall lapse six months after the consent was given unless the land is actually sold, etc., within such period.

SECTION 7. The amendment provides that orders of the Minister with respect to areas of subdivision control shall be registered in the same manner as by-laws that designate areas of subdivision control.

SECTION 8—Subsection 1. Under the present subsection 7, it has been considered that, if any question arises as to a particular condition to be imposed by the Minister, the Minister is required to refer the whole matter to the Municipal Board. The amendment would permit the reference to the Board of a single question in respect of the conditions to be imposed.

At present, subsection 8 providing for payments of cash in lieu of the conveyance of the 5 per cent of the lands for public purposes is related to an official plan. The reference to an official plan is deleted, and the amendment will permit all municipalities, when authorized by the Minister, to accept cash instead of the conveyance of the 5 per cent lands.

Subsection 2. At present, all moneys received on the sale of land that is conveyed to a municipality for public purposes under subsection 5 are required to be paid into a special account which can only be used to purchase other lands to be used for public purposes. The amendment provides that any moneys that have been expended by the municipality out of its general funds in respect of lands so sold shall be returned to the general funds out of the moneys received from the sale of such lands.

SECTION 9. At present restricted-area by-laws may prohibit the erection of buildings or structures for residential or commercial purposes on land that is subject to flooding, etc. The provisions are extended to include any class of building or structure.

or any of them, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the Minister.

- (8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision. Cash payment in lieu of conveyance

(2) Subsection 10 of the said section 28, as amended by subsection 2 of section 5 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after "9" in the third line "less any amount expended by the municipality out of its general funds in respect of such land", so that the subsection shall read as follows: R.S.O. 1960, c. 296, s. 28, subs. 10, amended

- (10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. R.S.O. 1960, c. 408 Special account

9. Paragraph 3 of subsection 1 of section 30 of *The Planning Act* is amended by striking out "a building or structure for residential or commercial purposes" in the first and second lines and inserting in lieu thereof "any class or classes of buildings or structures", so that the paragraph shall read as follows: R.S.O. 1960, c. 296, s. 30, subs. 1, par. 3, amended

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its rocky, Marshy lands



low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
par. 1,  
amended

10.—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act*, as amended by subsection 1 of section 7 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after “municipality” where it occurs the first time in the amendment of 1961-62 “including a county and a metropolitan municipality”, so that the paragraph shall read as follows:

Size and  
strength of  
walls, etc.,  
and pro-  
duction of  
plans

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality.

R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
amended

(2) Subsection 1 of the said section 31 is amended by adding thereto the following paragraphs:

Control of  
termites

21a. For requiring,

- (a) any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects;
- (b) the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects;
- (c) the removal and destruction of all wooden poles, trees, stumps or other wooden or cellulose material that is not part of a building if

SECTION 10—Subsection 1. A building permit may be refused if the structure to be constructed would be contrary to any by-law of the municipality or of any other municipality. As the definition of "municipality" in the Act does not include a county or a metropolitan municipality, it is necessary to include them specifically.

Subsection 2. The amendment authorizes local municipalities to pass by-laws for the control of termites.





they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects.

21b. For providing for the payment by the municipality, <sup>Cost of control of termites and repairs</sup> not to exceed in any case \$250, of not more than one-half of the cost,

1. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects; and
2. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infestation, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

- (a) The amount of any loan made under a by-law passed under this paragraph, together with interest at a rate not exceeding 5 per cent per annum, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.
- (b) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper registry or land titles office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and

thereupon the lands are freed from all liability with reference thereto.

R.S.O. 1960,  
c. 296, s. 32<sup>a</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 3,  
re-enacted

**11.**—(1) Subsection 3 of section 32<sup>a</sup> of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act*, 1961-62, is repealed and the following substituted therefor:

Qualification  
of member

- (3) A member of a committee of adjustment shall be a resident or ratepayer of the municipality, but in no event is a member of the council of the municipality or an employee of the municipality or of a local board thereof eligible for appointment.

R.S.O. 1960,  
c. 296, s. 32<sup>a</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 5,  
amended

(2) Subsection 5 of the said section 32<sup>a</sup> is amended by striking out “and approved” in the second line and by striking out “with the approval of the Minister” in the fourth and fifth lines, so that the subsection shall read as follows:

Idem

- (5) Members of the committee shall hold office until their successors are appointed, and are eligible for re-appointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Present  
members of  
committee  
of  
adjustment

(3) Subsection 3 of section 32<sup>a</sup> of *The Planning Act*, as enacted by subsection 1, does not disqualify a person who was appointed to a committee of adjustment before this section came into force so as to prevent him from completing the term of office for which he was appointed.

R.S.O. 1960,  
c. 296, s. 32<sup>b</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 5,  
re-enacted

**12.**—(1) Subsection 5 of section 32<sup>b</sup> of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act*, 1961-62, is repealed and the following substituted therefor:

Tariff  
of fees

- (5) The committee may prescribe a tariff of fees payable in respect of applications made to it, which may vary according to the type of the application, but in no case shall the fee payable on any application be more than \$25.

R.S.O. 1960,  
c. 296, s. 32<sup>b</sup>  
(1961-62,  
c. 104, s. 8),  
subs. 10,  
re-enacted

(2) Subsection 10 of the said section 32<sup>b</sup> is repealed and the following substituted therefor:

Notice of  
decision

- (10) The secretary-treasurer shall send by registered mail one copy of the decision, certified by him, to the Minister, to the applicant and to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision, together with a notice of the last day for appealing to the Municipal Board.

SECTION 11. The amendments remove the requirement for the approval of the Minister of appointments to a committee of adjustment and provide that a member shall be a resident or ratepayer of the municipality.

SECTION 12—Subsection 1. Subsection 5, as re-enacted, will authorize a committee to prescribe a tariff of fees on a graduated scale to be paid on applications instead of prescribing the same fee for all applications as is now authorized.

Subsections 2 and 3. The effect of the amendments is that only one copy of the decision and one copy of the application and supporting material are required to be sent to the Minister instead of two copies as are now required.







(3) Subsection 11 of the said section 32*b* is amended by <sup>R.S.O. 1960,</sup> striking out "two copies" in the second line and inserting in <sup>c. 296, s. 32*b*</sup> (1961-62, <sup>c. 104, s. 8).</sup> lieu thereof "one copy", so that the subsection, exclusive of <sup>subs. 11,</sup> the paragraphs, shall read as follows: <sup>amended</sup>

- (11) The secretary-treasurer shall also send to the <sup>Additional</sup> Minister, when he sends the notice under subsec- <sup>material</sup> tion 10, one copy of the following documents:

. . . . .

**13.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**14.** This Act may be cited as *The Planning Amendment* <sup>Short title</sup> *Act, 1962-63.*

An Act to amend The Planning Act

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*1st Reading*

February 28th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

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MR. SPOONER

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*(Reprinted as amended by the  
Committee on Municipal Law)*

# **BILL 70**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Planning Act**

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**MR. SPOONER**

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**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL 70

1962-63

## An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 2 of *The Planning Act*, as enacted by section 1 of *The Planning Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 296, s. 2,  
subs. 9  
(1961-62,  
c. 104, s. 1),  
repealed

2.—(1) Subsection 1 of section 13 of *The Planning Act* is amended by striking out "planning board" in the third line and inserting in lieu thereof "clerk of the designated municipality", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 1,  
amended

(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the clerk of the designated municipality in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Lodging of  
official plan

(2) Subsection 2 of the said section 13 is amended by striking out "planning board" in the second line and inserting in lieu thereof "clerk of the designated municipality", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 296, s. 13,  
subs. 2,  
amended

(2) A duplicate original of the official plan shall be lodged by the clerk of the designated municipality in every registry office of lands within the planning area, where it shall be made available to the public as a production.

Idem

3. Subsection 3 of section 19 of *The Planning Act* is repealed.

R.S.O. 1960,  
c. 296, s. 19,  
subs. 3,  
repealed

4. Subsection 2 of section 20 of *The Planning Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 296, s. 20,  
subs. 2,  
re-enacted



Designation  
of re-  
development  
area

- (2) The council of a municipality that has an official plan in respect of land use may, with the approval of the Minister, by by-law designate the whole or any part of an area covered by such an official plan as a redevelopment area, and the redevelopment area shall not be altered or dissolved without the approval of the Minister.

R.S.O. 1960,  
c. 296,  
Part I,  
amended

5. Part I of *The Planning Act* is amended by adding thereto the following section:

Interpre-  
tation

- 25a. For the purposes of this Part, "municipality" includes a county.

R.S.O. 1960,  
c. 296, s. 26  
(1960-61,  
c. 76, s. 1,  
subs. 1),  
amended

6. Section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Consent to  
lapse after  
six months

- (3a) Any consent hereafter granted under subsection 1 or 3 shall lapse at the expiration of six months after the date upon which the consent was granted unless within such period the land in respect of which the consent was granted was sold, mortgaged or charged or an agreement was entered into for the sale or purchase of such land or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.

R.S.O. 1960,  
c. 296, s. 27,  
subs. 3,  
amended

7. Subsection 3 of section 27 of *The Planning Act* is amended by adding at the end thereof "and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions", so that the subsection shall read as follows:

Notice and  
registration  
of order

- (3) The Minister may give notice of any such order in such manner as he deems expedient, and the provisions of subsections 7, 8 and 9 of section 26 apply *mutatis mutandis* to an order made under clause *b* of subsection 1, and the Minister shall cause certified copies of the order to be registered or deposited in accordance with such provisions.

R.S.O. 1960,  
c. 296, s. 28,  
subs. 7, 8,  
re-enacted

- 8.—(1) Subsections 7 and 8 of section 28 of *The Planning Act* are repealed and the following substituted therefor:

Reference of  
conditions

- (7) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister,

or any of them, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the Minister.

- (8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision. Cash payment in lieu of conveyance

(2) Subsection 10 of the said section 28, as amended by subsection 2 of section 5 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after "9" in the third line "less any amount expended by the municipality out of its general funds in respect of such land", so that the subsection shall read as follows: R.S.O. 1960, c. 296, s. 28, subs. 10, amended

- (10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. Special account

9. Paragraph 3 of subsection 1 of section 30 of *The Planning Act* is amended by striking out "a building or structure for residential or commercial purposes" in the first and second lines and inserting in lieu thereof "any class or classes of buildings or structures", so that the paragraph shall read as follows: R.S.O. 1960, c. 296, s. 30, subs. 1, par. 3, amended

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its rocky, Marshy lands



low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
par. 1,  
amended

**10.**—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act*, as amended by subsection 1 of section 7 of *The Planning Amendment Act, 1961-62*, is further amended by inserting after "municipality" where it occurs the first time in the amendment of 1961-62 "including a county and a metropolitan municipality", so that the paragraph shall read as follows:

Size and  
strength of  
walls, etc.,  
and pro-  
duction of  
plans

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality.

R.S.O. 1960,  
c. 296, s. 31,  
subs. 1,  
amended

(2) Subsection 1 of the said section 31 is amended by adding thereto the following paragraphs:

Control of  
termites

21a. For requiring,

- (a) any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects;
- (b) the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects;
- (c) the removal and destruction of all wooden poles, trees, stumps or other wooden or cellulose material that is not part of a building if

they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects.

- 21b. For providing for the payment by the municipality, <sup>Cost of control of termites and repairs</sup> not to exceed in any case \$250, of not more than one-half of the cost,

1. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects; and
2. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infestation, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

- (a) The amount of any loan made under a by-law passed under this paragraph, together with interest at a rate not exceeding 5 per cent per annum, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

- (b) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper registry or land titles office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and



thereupon the lands are freed from all liability with reference thereto.

R.S.O. 1960, c. 296, s. 32a (1961-62, c. 104, s. 8), subs. 3, re-enacted **11.**—(1) Subsection 3 of section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act*, 1961-62, is repealed and the following substituted therefor:

Qualification  
of member

- (3) A member of a committee of adjustment shall be a resident or ratepayer of the municipality, but in no event is a member of the council of the municipality or an employee of the municipality or of a local board thereof eligible for appointment.

R.S.O. 1960, c. 296, s. 32a (1961-62, c. 104, s. 8), subs. 5, amended (2) Subsection 5 of the said section 32a is amended by striking out "and approved" in the second line and by striking out "with the approval of the Minister" in the fourth and fifth lines, so that the subsection shall read as follows:

Idem

- (5) Members of the committee shall hold office until their successors are appointed, and are eligible for re-appointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Present  
members of  
committee  
of  
adjustment

- (3) Subsection 3 of section 32a of *The Planning Act*, as enacted by subsection 1, does not disqualify a person who was appointed to a committee of adjustment before this section came into force so as to prevent him from completing the term of office for which he was appointed.

R.S.O. 1960, c. 296, s. 32b (1961-62, c. 104, s. 8), subs. 5, re-enacted **12.**—(1) Subsection 5 of section 32b of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act*, 1961-62, is repealed and the following substituted therefor:

Tariff  
of fees

- (5) The committee may prescribe a tariff of fees payable in respect of applications made to it, which may vary according to the type of the application, but in no case shall the fee payable on any application be more than \$25.

R.S.O. 1960, c. 296, s. 32b (1961-62, c. 104, s. 8), subs. 10, re-enacted

- (2) Subsection 10 of the said section 32b is repealed and the following substituted therefor:

Notice of  
decision

- (10) The secretary-treasurer shall send by registered mail one copy of the decision, certified by him, to the Minister, to the applicant and to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision, together with a notice of the last day for appealing to the Municipal Board.



(3) Subsection 11 of the said section 32*b* is amended by striking out "two copies" in the second line and inserting in lieu thereof "one copy", so that the subsection, exclusive of the paragraphs, shall read as follows:

R.S.O. 1960,  
c. 296, s. 32*b*  
(1961-62,  
c. 104, s. 8).  
subs. 11,  
amended

- (11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, one copy of the following documents:

Additional  
material

. . . . .

**13.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**14.** This Act may be cited as *The Planning Amendment Act, 1962-63*.

Short title





An Act to amend The Planning Act

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*1st Reading*

February 28th, 1963

*2nd Reading*

March 5th, 1963

*3rd Reading*

April 26th, 1963

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MR. SPOONER

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# **BILL 71**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Ophthalmic Dispensers Act, 1960-61**

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**MR. DYMOND**

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#### EXPLANATORY NOTE

As re-enacted, the clause omits the so-called "grandfather" qualification, i.e., three years of practical training and experience, which has served its purpose.

This means of qualification will be provided for in the regulations as soon as the necessary arrangements for training have been completed.

BILL 71

1962-63

**An Act to amend  
The Ophthalmic Dispensers Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 7 of *The Ophthalmic Dispensers Act*, 1960-61, c. 72, s. 7, cl. *b*,  
1960-61 is repealed and the following substituted therefor: re-enacted

(*b*) has completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1962-63*. Short title

An Act to amend  
The Ophthalmic Dispensers Act, 1960-61

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*1st Reading*

March 6th, 1963

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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# BILL 71

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Ophthalmic Dispensers Act, 1960-61

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MR. DYMOND

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BILL 71

1962-63

**An Act to amend  
The Ophthalmic Dispensers Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 7 of *The Ophthalmic Dispensers Act*, 1960-61, c. 72, s. 7, cl. *b*, re-enacted 1960-61, is repealed and the following substituted therefor:

- (*b*) has completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1962-63*. Short title

An Act to amend  
The Ophthalmic Dispensers Act, 1960-61

---

*1st Reading*

March 6th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

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MR. DYMOND

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# **BILL 72**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to provide for the Safety of Workmen engaged in Logging**

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MR. ROWNTREE

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

AN ACT TO PROVIDE FOR THE SAFETY OF  
PERSONS ENGAGED IN LOGGING OPERATIONS

AND TO PROVIDE FOR THE SAFETY OF  
PERSONS ENGAGED IN LOGGING OPERATIONS

#### EXPLANATORY NOTE

This Bill proposes a new Act designed to provide for the safety of persons engaged in logging operations.

BILL 72

1962-63

## An Act to provide for the Safety of Workmen engaged in Logging

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Labour;
- (b) "logger" means a person who engages in logging, and includes an operator;
- (c) "logging" means the operation of felling or trimming trees or the storing, transporting or floating of logs;
- (d) "officer" means the chief officer or any other officer appointed to enforce this Act and the regulations;
- (e) "operator" means a person who engages in logging as an owner, employer, manager, superintendent or partner in such enterprise;
- (f) "regulations" means the regulations made under this Act.

**2.—(1)** Except as provided by the regulations, this Act <sup>Application of Act</sup> applies,

- (a) to every person engaged in logging, including logging by the Crown, any agency of the Crown and any municipality as defined in *The Department of Municipal Affairs Act*; and R.S.O. 1960,  
c. 98
- (b) to every person engaged in the installation, maintenance, repair or operation of any equipment or device used in logging.

**(2)** This Act does not apply to logging being done in person and solely by an individual on his own behalf. Where Act  
does not  
apply



Appointment  
of officers

**3.** The Lieutenant Governor in Council may appoint a chief officer and one or more officers to enforce this Act and the regulations.

Power of  
entry

**4.** An officer may enter any land, building or other premises at any reasonable hour for the purpose of carrying out his duties under this Act.

Obstructing  
officer, false  
information

**5.—(1)** No person shall obstruct an officer in the performance of his duties or furnish him with false or misleading information.

Facilitating  
inspection

**(2)** Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an officer in the exercise of his powers and the carrying out of his duties under this Act.

Stop-work  
orders

**6.—(1)** Where an officer is of the opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

(a) where the order specifies that it be carried out forthwith, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

(b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Penalty

**(2)** Every person to whom an order of an officer is directed who contravenes or knowingly permits any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

Responsi-  
bility of  
employer

**7.—(1)** Subject to subsection 2, every operator,

(a) shall ensure to the best of his ability that every logger in his employ knows and complies with this Act and the regulations, and that a copy or abstract thereof is maintained reasonably available to him; and

- (b) shall take every precaution that is reasonable in the circumstances to ensure his loggers' safety.

(2) Without in any way relieving the operator of his <sup>Supervision of loggers</sup> responsibility under subsection 1, every supervisor and foreman shall so supervise the loggers under his supervision that no such logger works in an unsafe manner or in any unsafe circumstance.

**8.—**(1) Every logger shall use the safeguards, equipment <sup>Responsibility of logger</sup> and devices furnished for his protection.

(2) No person shall move, alter or destroy any safeguard, <sup>Moving, altering, etc., of safeguard</sup> equipment or device furnished for the protection of a logger without the permission of the operator.

(3) No logger shall use any equipment or device or so conduct himself as to endanger his safety or that of any other <sup>Responsibility of logger</sup> person.

**9.—**(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented for more than three days from working, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator. <sup>Notice of accidents</sup>

(2) Such notice shall be delivered or mailed during or upon the termination of the period of three days referred to in subsection 1. <sup>When notice to be sent</sup>

(3) A true copy of the notice mentioned in section 21 of <sup>Alternative notice</sup> *The Workmen's Compensation Act* may be delivered or mailed <sup>R.S.O. 1960, c. 437</sup> to the chief officer in lieu of the prescribed form mentioned in subsection 1.

**10.—**(1) Where a logger is killed or is critically injured, <sup>Fatal accidents and critical injuries</sup>

(a) the operator shall forthwith notify an officer by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence; and

(b) no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an officer.

Where  
subs. 1, cl. b,  
does not  
apply

(2) Clause *b* of subsection 1 does not apply where the occurrence took place on a public highway or private road and was investigated by a constable or other police officer.

Renting,  
etc., of  
logging  
equipment

**11.** No person shall provide any machine, vehicle, tool or any equipment or any part thereof for use by a logger under any rental, leasing or other arrangement if the machine, vehicle, tool, equipment or part is in an unsafe condition.

Minimum  
age of  
logger

**12.** No person under the age of sixteen years shall be employed in logging.

General  
penalty

**13.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

Regulations

**14.—(1)** The Lieutenant Governor in Council may make such regulations as in his opinion are necessary or advisable to ensure the safety of loggers.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

(a) exempting defined classes of logging from this Act or any designated part thereof;

(b) providing for and prescribing fees;

(c) defining any expression used in this Act;

(d) requiring and prescribing the notices in one or more languages that shall be posted by operators;

(e) prescribing the records that shall be kept by operators;

(f) prescribing forms and providing for their use.

Commence-  
ment

**15.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**16.** This Act may be cited as *The Loggers' Safety Act, 1962-63*.





An Act to provide for the  
Safety of Workmen engaged in Logging

---

*1st Reading*

March 7th, 1963

*2nd Reading*

*3rd Reading*

---

MR. ROWNTREE

---



# **BILL 72**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to provide for the Safety of Workmen engaged in Logging**

---

**MR. ROWNTREE**

---

*(Reprinted as amended by the Committee of the Whole House)*

THE ACT TO PROVIDE FOR THE SAFETY OF  
PERSONS ENGAGED IN LOGGING OPERATIONS

THE ACT TO PROVIDE FOR THE SAFETY OF  
PERSONS ENGAGED IN LOGGING OPERATIONS

#### EXPLANATORY NOTE

This Bill proposes a new Act designed to provide for the safety of persons engaged in logging operations

THE ACT TO PROVIDE FOR THE SAFETY OF  
PERSONS ENGAGED IN LOGGING OPERATIONS

THE ACT TO PROVIDE FOR THE SAFETY OF  
PERSONS ENGAGED IN LOGGING OPERATIONS

BILL 72

1962-63

## An Act to provide for the Safety of Workmen engaged in Logging

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Labour;
- (b) "logger" means a person who engages in logging, and includes an operator;
- (c) "logging" means the operation of felling or trimming trees or the storing, transporting or floating of logs;
- (d) "officer" means the chief officer or any other officer appointed to enforce this Act and the regulations;
- (e) "operator" means a person who engages in logging as an owner, employer, manager, superintendent or partner in such enterprise;
- (f) "regulations" means the regulations made under this Act.

**2.—(1)** Except as provided by the regulations, this Act <sup>Application of Act</sup> applies,

- (a) to every person engaged in logging, including logging by the Crown, any agency of the Crown and any municipality as defined in *The Department of Municipal Affairs Act*; and R.S.O. 1960.  
c. 98
- (b) to every person engaged in the installation, maintenance, repair or operation of any equipment or device used in logging.

(2) This Act does not apply to logging being done in person and solely by an individual on his own behalf. Where Act does not apply

Appointment  
of officers

**3.** The Lieutenant Governor in Council may appoint a chief officer and one or more officers to enforce this Act and the regulations.

Power of  
entry

**4.** An officer may enter any land, building or other premises at any reasonable hour for the purpose of carrying out his duties under this Act.

Obstructing  
officer, false  
information

**5.—(1)** No person shall obstruct an officer in the performance of his duties or furnish him with false or misleading information.

Facilitating  
inspection

**(2)** Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an officer in the exercise of his powers and the carrying out of his duties under this Act.

Stop-work  
orders

**6.—(1)** Where an officer is of the opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

- (a) where the order specifies that it be carried out forthwith, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or
- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

Penalty

**(2)** Every person to whom an order of an officer is directed who contravenes or knowingly permits any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

Responsi-  
bility of  
employer

**7.—(1)** Subject to subsection 2, every operator,

- (a) shall ensure to the best of his ability that every logger in his employ knows and complies with this Act and the regulations, and that a copy or abstract thereof is maintained reasonably available to him; and



- (b) shall take every precaution that is reasonable in the circumstances to ensure his loggers' safety.

(2) Without in any way relieving the operator of his responsibility under subsection 1, every supervisor and foreman shall so supervise the loggers under his supervision that no such logger works in an unsafe manner or in any unsafe circumstance. <sup>Supervision of loggers</sup>

8.—(1) Every logger shall use the safeguards, equipment and devices furnished for his protection. <sup>Responsibility of logger</sup>

(2) No person shall move, alter or destroy any safeguard, equipment or device furnished for the protection of a logger without the permission of the operator. <sup>Moving, altering, etc., of safeguard</sup>

(3) No logger shall use any equipment or device or so conduct himself as to endanger his safety or that of any other person. <sup>Responsibility of logger</sup>

9.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented for more than three days from working, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator. <sup>Notice of accidents</sup>

(2) Such notice shall be delivered or mailed during or upon the termination of the period of three days referred to in subsection 1. <sup>When notice to be sent</sup>

(3) A true copy of the notice mentioned in section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer in lieu of the prescribed form mentioned in subsection 1. <sup>Alternative notice R.S.O. 1960, c. 437</sup>

10.—(1) Where a logger is killed or is critically injured, <sup>Fatal accidents and critical injuries</sup>

(a) the operator shall forthwith notify an officer by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence; and

(b) no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an officer.



Where  
subs. 1, cl. b,  
does not  
apply (2) Clause *b* of subsection 1 does not apply where the  
occurrence took place on a public highway or private road  
and was investigated by a constable or other police officer.

Renting,  
etc., of  
logging  
equipment **11.** No person shall provide any machine, vehicle, tool  
or any equipment or any part thereof for use by a logger under  
any rental, leasing or other arrangement if the machine,  
vehicle, tool, equipment or part is in an unsafe condition.

Minimum  
age of  
logger **12.** No person under the age of sixteen years shall be  
employed in logging.

General  
penalty **13.** Every person who contravenes any provision of this  
Act or the regulations is guilty of an offence under this Act  
and on summary conviction, where a penalty for such offence  
is not otherwise provided, is liable to a fine of not more than  
\$1,000 or to imprisonment for a term of not more than twelve  
months, or to both.

Regulations **14.—(1)** The Lieutenant Governor in Council may make  
such regulations as in his opinion are necessary or advisable  
to ensure the safety of loggers.

Idem (2) Without limiting the generality of subsection 1, the  
Lieutenant Governor in Council may make regulations,

(a) exempting defined classes of logging from this Act  
or any designated part thereof;

(b) providing for and prescribing fees;

(c) defining any expression used in this Act;

(d) requiring and prescribing the notices in one or more  
languages that shall be posted by operators;

(e) prescribing the records that shall be kept by  
operators;

(f) prescribing forms and providing for their use.

Commence-  
ment **15.** This Act comes into force on a day to be named by the  
Lieutenant Governor by his proclamation.

Short title **16.** This Act may be cited as *The Loggers' Safety Act*,  
1962-63.



An Act to provide for the  
Safety of Workmen engaged in Logging

---

*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

---

MR. ROWNTREE

---

(Reprinted as amended by the  
Committee of the Whole House)

## BILL 72

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to provide for the Safety of Workmen engaged in Logging

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MR. ROWNTREE

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BILL 72

1962-63

## An Act to provide for the Safety of Workmen engaged in Logging

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**1.** In this Act,

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- (a) "Department" means the Department of Labour;
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- (f) "regulations" means the regulations made under this Act.

**2.—(1)** Except as provided by the regulations, this Act <sup>Application of Act</sup> applies,

- (a) to every person engaged in logging, including logging by the Crown, any agency of the Crown and any municipality as defined in *The Department of Municipal Affairs Act*; and R.S.O. 1960, c. 98
- (b) to every person engaged in the installation, maintenance, repair or operation of any equipment or device used in logging.

**(2)** This Act does not apply to logging being done in person and solely by an individual on his own behalf. Where Act does not apply

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Stop-work  
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**6.—(1)** Where an officer is of the opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

(a) where the order specifies that it be carried out forthwith, all work or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

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Penalty

**(2)** Every person to whom an order of an officer is directed who contravenes or knowingly permits any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

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**7.—(1)** Subject to subsection 2, every operator,

(a) shall ensure to the best of his ability that every logger in his employ knows and complies with this Act and the regulations, and that a copy or abstract thereof is maintained reasonably available to him; and

- (b) shall take every precaution that is reasonable in the circumstances to ensure his loggers' safety.

(2) Without in any way relieving the operator of his responsibility under subsection 1, every supervisor and foreman shall so supervise the loggers under his supervision that no such logger works in an unsafe manner or in any unsafe circumstance. <sup>Supervision of loggers</sup>

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(2) Such notice shall be delivered or mailed during or upon the termination of the period of three days referred to in subsection 1. <sup>When notice to be sent</sup>

(3) A true copy of the notice mentioned in section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer in lieu of the prescribed form mentioned in subsection 1. <sup>Alternative notice R.S.O. 1960, c. 437</sup>

10.—(1) Where a logger is killed or is critically injured, <sup>Fatal accidents and critical injuries</sup>

- (a) the operator shall forthwith notify an officer by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence; and
- (b) no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an officer.



Where  
subs. 1, cl. b,  
does not  
apply (2) Clause *b* of subsection 1 does not apply where the  
occurrence took place on a public highway or private road  
and was investigated by a constable or other police officer.

Renting,  
etc., of  
logging  
equipment **11.** No person shall provide any machine, vehicle, tool  
or any equipment or any part thereof for use by a logger under  
any rental, leasing or other arrangement if the machine,  
vehicle, tool, equipment or part is in an unsafe condition.

Minimum  
age of  
logger **12.** No person under the age of sixteen years shall be  
employed in logging.

General  
penalty **13.** Every person who contravenes any provision of this  
Act or the regulations is guilty of an offence under this Act  
and on summary conviction, where a penalty for such offence  
is not otherwise provided, is liable to a fine of not more than  
\$1,000 or to imprisonment for a term of not more than twelve  
months, or to both.

Regulations **14.—(1)** The Lieutenant Governor in Council may make  
such regulations as in his opinion are necessary or advisable  
to ensure the safety of loggers.

Idem (2) Without limiting the generality of subsection 1, the  
Lieutenant Governor in Council may make regulations,

(a) exempting defined classes of logging from this Act  
or any designated part thereof;

(b) providing for and prescribing fees;

(c) defining any expression used in this Act;

(d) requiring and prescribing the notices in one or more  
languages that shall be posted by operators;

(e) prescribing the records that shall be kept by  
operators;

(f) prescribing forms and providing for their use.

Commence-  
ment **15.** This Act comes into force on a day to be named by the  
Lieutenant Governor by his proclamation.

Short title **16.** This Act may be cited as *The Loggers' Safety Act*,  
1962-63.





An Act to provide for the  
Safety of Workmen engaged in Logging

---

*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROWNTREE

---

# BILL 73

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## An Act to amend The Construction Hoists Act, 1960-61

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MR. ROWNTREE

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THE CONSTRUCTION HOISTS ACT  
 AS ENACTED BY THE LEGISLATURE

AN ACT TO AMEND THE CONSTRUCTION HOISTS ACT, 1968

EXPLANATORY NOTE

The purpose of this Bill is to further ensure the safety of workmen using construction hoists.

Enacted by the Legislature

BILL 73

1962-63

**An Act to amend  
The Construction Hoists Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Construction Hoists Act, 1960-61* is <sup>1960-61,</sup> amended by adding thereto the following subsection: <sup>c. 11, s. 20,</sup>  
<sup>amended</sup>
  - (3) No person shall provide a construction hoist or any <sup>Renting,</sup> part thereof for use by another person under any <sup>etc., of</sup> rental, leasing or other arrangement if such hoist or <sup>construction</sup> part is in unsafe condition. <sup>hoists</sup>
2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>
3. This Act may be cited as *The Construction Hoists Amend-* <sup>Short title</sup>  
*ment Act, 1962-63.*

An Act to amend  
The Construction Hoists Act, 1960-61

---

*1st Reading*

March 7th, 1963

*2nd Reading*

*3rd Reading*

---

MR. ROWNTREE

---



# **BILL 73**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Construction Hoists Act, 1960-61**

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**MR. ROWNTREE**

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BILL 73

1962-63

**An Act to amend  
The Construction Hoists Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 20 of *The Construction Hoists Act, 1960-61* is <sup>1960-61,</sup> amended by adding thereto the following subsection: <sup>c. 11, s. 20,</sup> amended

- (3) No person shall provide a construction hoist or any part thereof for use by another person under any <sup>Renting,</sup> rental, leasing or other arrangement if such hoist or <sup>etc., of</sup> part is in unsafe condition. <sup>construction</sup> <sup>hoists</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Construction Hoists Amend-* Short title  
*ment Act, 1962-63.*

An Act to amend  
The Construction Hoists Act, 1960-61

---

*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROWNTREE

---

## BILL 74

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### The Boilers and Pressure Vessels Act, 1962-63

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MR. ROWNTREE

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THE ACT OF 1911, AS AMENDED, AND  
THE ACT OF 1911, AS AMENDED, 1911-12

The following are the amendments proposed by the Bill

# EXPLANATORY NOTE

This Bill contains a complete revision of the Act that has been in operation, subject to a few minor amendments, since 1951.

The Bill reflects the improvements that experience appears to warrant. The changes are designed to promote and ensure safety.

BILL 74

1962-63

## The Boilers and Pressure Vessels Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

1. "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating;
2. "certificate of approval" means a certificate issued under this Act for a boiler or pressure vessel not inspected during fabrication or for a plant not inspected during installation;
3. "certificate of competency" means a certificate issued under this Act to a person qualified to inspect boilers, pressure vessels and plants, and includes a renewal thereof;
4. "certificate of inspection" means a certificate issued under this Act in respect of any inspection of a boiler, pressure vessel or plant, and includes a certificate of inspection issued by an insurer;
5. "chief inspector" means the chief inspector designated under this Act;
6. "design", in reference to a boiler, pressure vessel or plant, means its plan or pattern, and includes drawings, specifications and, where required, the calculations and a model;

7. "design pressure" means the maximum pressure that a boiler, pressure vessel or plant is designed to withstand safely when operating normally;
8. "fired vessel" means a vessel that is heated by,
  - (a) a flame or the hot gases of combustion,
  - (b) electricity,
  - (c) rays from a radioactive source, or
  - (d) molecular agitation arising from the process of fission;
9. "fitting" means a safety valve, stop valve, automatic stop-and-check valve, a blow-down valve, reducing valve, water gauge, gauge cock, pressure gauge, injector, test cock, fusible plug, regulating or controlling device, and pipe fittings, attached to or used in connection with a boiler, pressure vessel or plant;
10. "inspector" means an inspector appointed under this Act, and includes the chief inspector;
11. "insurer" means a person licensed under *The Insurance Act* to undertake boiler and machinery insurance as defined by that Act;
12. "low pressure boiler" means,
  - (a) a boiler in which gas or vapour is generated and that is intended to be operated or is operated at a gas or vapour pressure of not more than 15 pounds, or
  - (b) a boiler in which a liquid is heated but no gas or vapour is generated and that is intended to be operated or is operated at a liquid pressure of not more than 160 pounds and in which the liquid at the outlet does not exceed 250° F.
13. "major repairs" means repairs that may affect the strength of a boiler, pressure vessel or plant;
14. "maximum allowable pressure" means the maximum pressure at which a boiler, pressure vessel or plant is permitted to be operated or used under this Act;
15. "Minister" means the Minister of Labour;

16. "owner" includes a person for the time being in possession of a boiler, pressure vessel or plant;
17. "periodic inspection" means an inspection made at intervals of other than twelve months;
18. "pipe" means any pipe attached to or connected with a boiler, pressure vessel or plant;
19. "plant" means a system of piping that is used to contain a gas, vapour or liquid under pressure, and includes any boiler or pressure vessel connected thereto;
20. "pressure" means pressure in pounds per square inch measured above prevailing atmospheric pressure;
21. "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure;
22. "regulations" means the regulations made under this Act;
23. "seal" means to take any measures satisfactory to the chief inspector that will effectively prevent the operation or use of a boiler, pressure vessel or plant;
24. "used boiler, pressure vessel or plant" means a boiler, pressure vessel or plant that has been sold or exchanged and that has been moved from its previous site of installation for use elsewhere;
25. "welding" means welding in the fabrication or repair of a boiler, pressure vessel or plant;
26. "welding operator" means a person engaged in welding, either on his own account or in the employ of another person, on the fabrication or repair of boilers, pressure vessels or plants or parts thereof. R.S.O. 1960, c. 37, s. 1, *amended*.



Exemptions  
from Act

2.—(1) This Act does not apply to,

- (a) a boiler used in connection with a hot liquid heating system that has no valves or other obstructions to free circulation between the boiler and an expansion tank that is vented freely to the atmosphere;
- (b) a low pressure boiler having a heating surface of 30 square feet or less;
- (c) a boiler, pressure vessel or plant used exclusively for agricultural purposes;
- (d) a pressure vessel having a capacity of  $1\frac{1}{2}$  cubic feet or less;
- (e) a pressure vessel for permanent use at a pressure of 15 pounds or less;
- (f) a pressure vessel having an internal diameter of 6 inches or less;
- (g) a pressure vessel having an internal diameter of 24 inches or less used for the storage of hot water for domestic use;
- (h) a pressure vessel used exclusively for hydraulic purposes at atmospheric temperature;
- (i) a pressure vessel having an internal diameter of 24 inches or less connected in a water-pumping system containing air that is compressed to serve as a cushion;
- (j) a refrigeration plant having a capacity of three tons or less of refrigeration in twenty-four hours.

Additional  
exemptions

(2) The Lieutenant Governor in Council may exempt any class of boiler, pressure vessel or plant from this Act or the regulations or any provision thereof. R.S.O. 1960, c. 37, s. 2, *amended*.

Inspectors,  
appoint-  
ment

3.—(1) The Lieutenant Governor in Council may appoint inspectors to inspect boilers, pressure vessels and plants under this Act, and may designate one of them as the chief inspector.

Inspectors  
not to have  
interest in  
sale, etc.,  
of boilers,  
etc.

(2) No person shall be appointed or act as an inspector who has any direct or indirect financial interest in boilers, pressure vessels or plants. R.S.O. 1960, c. 37, s. 4, *amended*.



4.—(1) No person shall carry out an inspection of a boiler, pressure vessel or plant for the purposes of this Act who does not hold a certificate of competency. R.S.O. 1960, c. 37, s. 5 (1), *amended*. Certificate of competency

(2) Subject to the regulations, every applicant for a certificate of competency shall pass such examinations and tests as the Minister requires. R.S.O. 1960, c. 37, s. 5 (2). Examinations

(3) The Minister may suspend, cancel or refuse to renew any certificate of competency for such reasons as are prescribed by the regulations. R.S.O. 1960, c. 37, s. 5 (3), *amended*. Suspension and cancellation

5. An inspector in the course of his duties may enter any building or premises where he has reason to believe that a boiler, pressure vessel or plant is being installed, operated or used. R.S.O. 1960, c. 37, s. 7, *amended*. Right to enter buildings and premises

6.—(1) No person shall hinder or obstruct an inspector in the performance of his duties under this Act or neglect or refuse to furnish information to an inspector in the performance of his duties or furnish him with false or misleading information. R.S.O. 1960, c. 37, s. 48, *part, amended*. Obstructing officer, false information, etc.

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and the carrying out of his duties under this Act. *New*. Entry, inspection, etc.

7. The chief inspector may by notice in writing require the attendance before him of any person at the time and place named in the notice and examine such person under oath regarding any matter pertaining to a boiler, pressure vessel or plant or in respect of an accident arising out of its operation or use. R.S.O. 1960, c. 37, s. 8, *amended*. Power to require attendance and examine under oath

8. On every annual or periodic inspection of a boiler, pressure vessel or plant, the inspector, Powers and duties of inspectors on inspection

(a) shall satisfy himself that the boiler, pressure vessel or plant is being operated or used and maintained in accordance with this Act and the regulations and that the safety valves have seals and are properly set; and

(b) shall review the maximum allowable pressure of the boiler, pressure vessel or plant and make any reduction in it for safe operation or use having regard to its design, fabrication, age, condition and use. R.S.O. 1960, c. 37, s. 9, *amended*.

Power to  
require  
owner, etc.,  
to do things  
necessary  
for proper  
inspection

**9.** An inspector may require the owner or other person responsible for or in charge of a boiler, pressure vessel or plant,

- (a) to prepare it for inspection or test in such manner as the inspector requires and to supply water for and to assist in making any test;
- (b) to cut or drill holes in it or to use any other method to enable the inspector to determine its condition and the thickness of the metal;
- (c) to put it under pressure or otherwise put it into operation so that the inspector may test the safety valves or any part of the installation under operating conditions;
- (d) to stop the application of heat to a boiler or to reduce the pressure upon a boiler, pressure vessel or plant to a designated pressure if the inspector has reason to believe that it is in an unsafe condition; and
- (e) to do any other thing the inspector deems necessary to ensure a proper inspection. R.S.O. 1960, c. 37, s. 11, *amended*.

Safety  
measures  
during  
inspection,  
repair, etc.

**10.** Where during an inspection, repair or the maintenance of a boiler, pressure vessel or plant there is any possibility of any gas, vapour or liquid causing injury to the person inspecting, repairing or maintaining it, the owner or other person responsible for or in charge thereof shall,

- (a) have a competent person stationed so as to prevent any gas, vapour or liquid from entering the boiler, pressure vessel or plant or any part thereof; and
- (b) take such other measures as will ensure the safety of the person inspecting, repairing or maintaining the boiler, pressure vessel or plant. *New*.

Directions  
by inspector  
re instal-  
lation,  
operation,  
etc.

**11.—(1)** An inspector may give directions orally or in writing to the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant on any matter pertaining to safety with regard to its installation, operation, care, maintenance or repair and require that his directions be carried out within such time as he specifies.

Refusal of  
owner, etc.,  
to obey  
directions of  
inspector

**(2)** If the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant fails to comply with any directions given by an inspector, the inspector

shall order that the boiler, pressure vessel or plant be shut down or sealed and he shall forthwith report the circumstances to the chief inspector who may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 12, *amended*.

**12.** Where in the opinion of an inspector a boiler, pressure vessel or plant is in an unsafe operating condition or is being operated in a dangerous manner, the inspector shall seal the boiler, pressure vessel or plant and take such steps as are necessary to remove the danger, and the chief inspector may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 13 (1), *amended*. Where boiler, etc., unsafe

**13.** No person shall operate or use a boiler, pressure vessel or plant that has been shut down or sealed under section 11 or 12, or cause or permit it to be operated or used, or destroy, remove or tamper with the seal of an inspector until permission has been obtained from an inspector. R.S.O. 1960, c. 37, s. 13 (2); 1960-61, c. 7, s. 1, *amended*. Prohibition re operation of sealed boiler, etc.

**14.—(1)** Where a boiler, pressure vessel, fitting or pipe is to be fabricated for use in Ontario, the designer shall submit its design and specifications to the chief inspector for approval and registration by him before commencing its fabrication. R.S.O. 1960, c. 37, s. 14 (1), *amended*. Design of boilers, etc.

(2) Where an unused boiler or pressure vessel has been fabricated and its design and specifications have not been approved and registered, the chief inspector may cause it to be inspected, and, if he is satisfied that it may be operated or used safely, may issue a certificate of inspection for it as a used boiler or pressure vessel. R.S.O. 1960, c. 37, s. 17, *amended*. Where design not available

(3) Where a plant is to be installed, its design and specifications shall be submitted to the chief inspector for approval and registration before its installation is commenced. R.S.O. 1960, c. 37, s. 14 (2), *amended*. Design of plant

**15.—(1)** The chief inspector may require the inspection, Inspection during fabrication, etc.

(a) of a boiler or pressure vessel at any stage of its fabrication; or

(b) of a boiler, pressure vessel or plant at any stage of its installation.

(2) Where a boiler or pressure vessel has been inspected during fabrication or a plant has been inspected during installation, the inspector shall report thereon to the chief inspector Issue of certificate of inspection



who, if satisfied that it may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 15, *amended*.

Certificate  
of approval

**16.** Where the chief inspector has not required the inspection of a boiler or pressure vessel during its fabrication or of a plant during its installation, he may, if he is satisfied that it may be operated or used safely, issue a certificate of approval therefor. R.S.O. 1960, c. 37, s. 16, *amended*.

Boiler, etc.,  
defective  
after  
fabrication

**17.** Notwithstanding the approval and registration of its design, if a boiler, pressure vessel or plant is found to be defective after its fabrication or installation, as the case may be, the chief inspector may permit it to be operated or used within such limits of safety as he deems proper, and shall require the fabricator or installer to revise its design and specifications in order to correct its defects within such period as he allows, and, failing such revision or if the defects cannot in his opinion be remedied, he shall cancel the approval and registration of the design, and no additional boiler, pressure vessel or plant shall be fabricated or installed therefrom. R.S.O. 1960, c. 37, s. 18, *amended*.

Boiler, etc.,  
not  
fabricated in  
conformity  
with  
approved  
design

**18.** Where a boiler, pressure vessel or plant has not been fabricated or installed, as the case may be, in conformity with its approved design but nevertheless may be used safely at a lower pressure than its design pressure, the person making the inspection shall fix its maximum allowable pressure having regard to its design, condition, installation and the purpose for which it is to be operated or used. R.S.O. 1960, c. 37, s. 20, *amended*.

Prohibition  
re operation  
of boilers,  
etc., at  
unsafe  
pressures

**19.—(1)** No person shall operate or use, or permit to be operated or used, any boiler, pressure vessel or plant at a working pressure higher than its design pressure. *New*.

Idem

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant at a pressure higher than its maximum allowable pressure as shown in the certificate of approval or the subsisting certificate of inspection. R.S.O. 1960, c. 37, s. 22, *amended*.

Safety  
valves

**20.—(1)** Subject to subsection 2, every boiler, pressure vessel or plant shall have at least one safety valve of adequate capacity set to relieve at or below its maximum allowable pressure.

Idem

(2) Where more than one boiler or pressure vessel are connected in a plant for use at a common operating pressure, they shall be protected by one or more safety valves of

adequate capacity set to relieve at or below the common maximum allowable pressure that shall not exceed the maximum allowable pressure of the weakest boiler or pressure vessel in the plant. R.S.O. 1960, c. 37, s. 21, *amended*.

**21.** While a boiler, pressure vessel or plant is in operation or use, no person shall alter, interfere with or render inoperative any fitting that is attached for safety purposes to the boiler, pressure vessel or plant. *New.* <sup>Tampering with fittings</sup>

**22.** Subject to subsection 2 of section 28, the owner of every boiler or pressure vessel in operation or use shall have it inspected at least once in every twelve months, or at such periodic intervals as are prescribed in the regulations, by an inspector or, on the instructions of the chief inspector, by a person having a subsisting certificate of competency. R.S.O. 1960, c. 37, s. 23 (1), *amended*. <sup>Annual or periodic inspection</sup>

**23.**—(1) Following any inspection, the inspector shall make a report to the chief inspector on the condition and operation or use of the boiler, pressure vessel or plant, and, if the inspector is satisfied that it may continue to be operated or used safely, the chief inspector may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 23 (2), *amended*. <sup>Issue of certificate of inspection</sup>

(2) The fee for a certificate of inspection and the expenses of the inspector shall be paid to the inspector at the time of inspection, unless the chief inspector has notified the inspector that the fee and expenses are being remitted direct to the chief inspector. R.S.O. 1960, c. 37, s. 24. <sup>Fee and expenses</sup>

(3) The chief inspector shall not issue a certificate of approval or a certificate of inspection for a boiler, pressure vessel or plant until the provisions of this Act applicable thereto have been complied with and the prescribed fees and expenses have been paid. *New.* <sup>Idem</sup>

**24.**—(1) A certificate of inspection or a certificate of approval is *prima facie* evidence of the inspection of the boiler, pressure vessel or plant, and the certificate, subject to this Act, authorizes the operation or use of the boiler, pressure vessel or plant in accordance with the terms of the certificate. <sup>Certificate authorizes operation</sup>

(2) Every certificate of inspection or certificate of approval remains in force for twelve months from the date of inspection unless it is sooner cancelled or unless a shorter or longer period is specified therein. <sup>Expiration of certificate</sup>

(3) The maximum allowable pressure at which a boiler, pressure vessel or plant may be operated or used and the safety valve set to relieve shall be specified in the certificate of inspection or certificate of approval. <sup>Maximum pressure to be specified in certificate</sup>



Certificate  
to be posted

(4) Every certificate of inspection or certificate of approval shall be kept in good condition by the owner of the boiler, pressure vessel or plant for which it was issued, and he shall post it in a conspicuous place near such boiler, pressure vessel or plant or, if that should be impracticable, at such place as an inspector may direct. R.S.O. 1960, c. 37, s. 25, *amended*.

Prohibition  
re operation  
without  
certificate  
of inspection

**25.** No person shall operate or use or permit to be operated or used a boiler, pressure vessel or plant unless a certificate of inspection or a certificate of approval for it is in force. R.S.O. 1960, c. 37, s. 26, *amended*.

Further  
inspection  
at any time

**26.—**(1) Notwithstanding that a certificate of inspection or a certificate of approval is in force, the chief inspector may order a further inspection of a boiler, pressure vessel or plant at any time, or an inspector may make a further inspection at any time, and the owner shall pay the fee and expenses prescribed therefor.

Issue of  
new  
certificate

(2) Where an additional inspection is made under subsection 1, the inspector shall report thereon to the chief inspector who, if satisfied that the boiler, pressure vessel or plant may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 27, *amended*.

Annual  
statement  
as to safety

**27.** The owner of a boiler or pressure vessel that is subject to periodic inspection shall, in January of each year, send a statement in the prescribed form to the chief inspector that in his opinion the boiler or pressure vessel is safe to operate or use. *New*.

Insured  
boilers,  
etc.

**28.—**(1) Where a boiler or pressure vessel has been insured, every annual or periodic inspection shall be carried out by or through the insurer, and the insurer, if satisfied that the boiler or pressure vessel may be operated or used safely, shall issue a certificate of inspection therefor.

Exemption  
from  
inspection  
by  
inspector

(2) Where a boiler or pressure vessel is insured, it is exempt from annual or periodic inspection by inspectors appointed under this Act so long as the insurance is in force, unless the chief inspector requires the boiler or pressure vessel to be inspected by an inspector, in which case the fees and expenses referred to in section 23 shall be paid by the owner.

Inspection  
report of  
insured

(3) Every insurer shall file with the chief inspector, within twenty-one days after an inspection has been made, a copy of the report of the inspection over the signature of the person making the inspection.

(4) Every insurer shall forthwith notify the chief inspector in writing of the cancellation or rejection of insurance on a boiler or pressure vessel, together with the reasons therefor. Cancellation or rejection of insurance

(5) Where an insurer has cancelled insurance on a boiler or pressure vessel because he considers it unsafe for operation or use, he shall cancel its certificate of inspection, take possession of the certificate and forthwith notify the chief inspector in person or by telegram or telephone of the circumstances of the cancellation. R.S.O. 1960, c. 37, s. 28, *amended*. Cancellation of certificate of inspection issued by insurer

**29.**—(1) The Minister may permit the chief inspector to employ the services of an insurer or of any person qualified to engage in the business of inspection of boilers and pressure vessels in Ontario to make any inspection required under this Act and to report thereon within fourteen days after the completion of the inspection. R.S.O. 1960, c. 37, s. 29 (1). Employment of insurer, etc., to make inspection

(2) Where a boiler or pressure vessel is to be fabricated outside Ontario in any province of Canada for use in Ontario, the chief inspector may arrange with the person in charge of the inspection of boilers and pressure vessels for the province in which it is to be fabricated to carry out inspections during its fabrication and may accept the inspection reports submitted to him by such person for the purposes of this Act. Inspection of boilers, etc., fabricated in other provinces

(3) Where a boiler or pressure vessel is to be fabricated in the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors and may accept the inspection reports of such inspector for the purposes of this Act. Inspection of boilers, etc., fabricated in U.S.A.

(4) Where a boiler or pressure vessel is to be fabricated outside Canada and the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication through any agency engaged in boiler or pressure vessel inspection and may accept the inspection reports of the agency for the purposes of this Act. R.S.O. 1960, c. 37, s. 29 (2-4), *amended*. Inspection of boilers, etc., to be fabricated elsewhere

(5) Where a boiler or pressure vessel is inspected under subsection 1, 2, 3 or 4, a certificate of inspection therefor may be issued by the chief inspector. *New*. Certificate of inspection

**30.** Every used boiler, pressure vessel or plant shall be inspected and tested by an inspector before it is put into operation or use, and he shall report thereon to the chief Used boilers, etc.



inspector, and, if the chief inspector is satisfied that it may be operated or used safely, he may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 30, *amended*.

Boilers, etc.,  
previously  
used  
outside  
Ontario

**31.**—(1) No person shall install or permit to be installed a boiler, pressure vessel or plant previously used outside Ontario unless the consent of the chief inspector has been obtained for such installation. R.S.O. 1960, c. 37, s. 31 (1), *amended*.

Idem,  
operation  
or use

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant previously used outside Ontario unless the chief inspector has issued a certificate of inspection therefor. *New*.

Repairs to  
boilers, etc.,  
found  
unsafe

**32.** Where a boiler, pressure vessel or plant is found to be in an unsafe condition, no person shall make any major repairs thereto until he has notified an inspector of the nature and extent of such repairs and an inspector has approved thereof, and the boiler, pressure vessel or plant shall not be put into operation or use until a further inspection by an inspector has been made and the chief inspector has issued a new certificate of inspection therefor. R.S.O. 1960, c. 37, s. 32, *amended*.

Defects in  
boilers, etc.,  
to be  
pointed  
out to  
inspector

**33.** When a boiler, pressure vessel or plant is being inspected, the owner or other person responsible for it or in immediate charge of it shall point out to the inspector any defect of which he has knowledge or that he believes to exist in it, and, if at any other time he learns of any defect that might render it unsafe to operate or use, he shall forthwith notify the chief inspector in person or by telegram or telephone of the circumstances. R.S.O. 1960, c. 37, s. 33, *amended*.

Condemned  
boilers,  
etc.

**34.**—(1) Where an inspector has inspected a boiler, pressure vessel or plant and has satisfied himself that it can no longer be operated or used safely, he shall condemn it and notify the chief inspector that he has condemned it and shall seal it with a seal or label indicating that it is condemned and shall take possession of its certificate of inspection.

Prohibition  
re operation  
of  
condemned  
boilers, etc.

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant that has been condemned unless he has had it repaired as required by the chief inspector and a further inspection has been made by an inspector and the chief inspector has issued a new certificate of inspection therefor.

Prohibition  
as to  
removal  
for use

(3) No boiler, pressure vessel or plant that has been condemned shall be moved to another location for operation or use without the consent of the chief inspector. R.S.O. 1960, c. 37, s. 34, *amended*.

**35.** The owner of a boiler, pressure vessel or plant, upon permanently removing it from operation or use, shall forthwith notify, in the prescribed form, the chief inspector of such removal. *New.* Notice of removal from operation

**36.—(1)** The procedures to be followed in welding shall be approved by the chief inspector. R.S.O. 1960, c. 37, s. 35 (1), *amended.* Approval of procedures in welding

(2) Every welding operator shall pass such qualification tests as the chief inspector requires. R.S.O. 1960, c. 37, s. 36. Qualification tests

(3) No welding operator shall weld except under an approved procedure. R.S.O. 1960, c. 37, s. 35 (2), *amended.* Welding to be done under approved procedure

(4) The chief inspector shall issue an identification card to every welding operator who passes a qualification test. R.S.O. 1960, c. 37, s. 37 (1). Identification card

(5) Every identification card shall indicate the employer for whom the welding operator is qualified to weld or that he is self-employed or that he desires to be employed and the class or position of welding that he is qualified to do. R.S.O. 1960, c. 37, s. 37 (2), *amended.* Idem

(6) A welding operator may be required at any time to pass such further qualification tests as the chief inspector requires, at which time his identification card shall be cancelled and, on his passing such further tests, a new identification card shall be issued to him. R.S.O. 1960, c. 37, s. 38. Further tests

(7) Such fees as are prescribed by the regulations for the test of a welding operator shall be paid at the time the test is given by the employer of the welding operator or, if he is self-employed or desires to be employed, by himself. R.S.O. 1960, c. 37, s. 39, *amended.* Fees

(8) Every welding operator shall carry his identification card upon his person when welding and shall produce it when requested by an inspector. R.S.O. 1960, c. 37, s. 40. Identification card to be carried

(9) When a welding operator changes his employer or is first employed by an employer, he shall not commence to weld for his new employer or his employer, as the case may be, until he has passed a further qualification test and has been issued a new identification card. R.S.O. 1960, c. 37, s. 41, *amended.* Welding for new employer

(10) No welding operator shall do welding, Prohibition of unqualified person to weld  
(a) unless he is the holder of a subsisting identification card;

- (b) in the employ of any person other than the employer named on his identification card; or
- (c) of a class or position of welding for which he is not qualified.

Employer  
not to  
permit  
welding by  
unqualified  
person

(11) No employer shall permit a welding operator,

- (a) to weld unless he is the employer named in the welding operator's identification card; or
- (b) to do a class of welding or to weld in a position for which the welding operator is not qualified. R.S.O. 1960, c. 37, s. 42, *amended*.

Notification  
of accidents

**37.**—(1) Where an explosion or rupture of a boiler, pressure vessel or plant occurs, or where an accident arises out of its operation or use that causes injury or death to a person, or property damage, the owner or person in charge shall forthwith notify the chief inspector in person or by telegram or telephone giving him full details of the accident and shall within forty-eight hours after the explosion or rupture occurs send him a written report of the circumstances of the occurrence.

Investigation  
of accident

(2) The chief inspector or any inspector under his instruction shall investigate any explosion, rupture or accident so reported, or of which he becomes aware, to determine its cause. R.S.O. 1960, c. 37, s. 43, *amended*.

After  
explosion or  
rupture,  
parts not  
to be  
removed,  
etc.

**38.** Where an explosion or rupture of a boiler, pressure vessel or plant occurs, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. R.S.O. 1960, c. 37, s. 44, *amended*.

Appeal from  
action of  
inspector

**39.**—(1) Any person who is dissatisfied with an inspection or action taken by an inspector may within thirty days thereof appeal to the Minister, who may thereupon cause another inspection to be made by one or more inspectors who shall report to him, and the decision of the Minister is final. R.S.O. 1960, c. 37, s. 45 (1).

Expenses  
of appeal

(2) Any expenses occasioned by the appeal and second inspection as determined by the Minister shall be paid by the appellant. R.S.O. 1960, c. 37, s. 45 (2), *amended*.



**40.** Subject to this Act and the regulations, the publications of the Canadian Standards Association, of the American Standards Association and of the American Society of Mechanical Engineers, as amended from time to time, shall be deemed to contain the rules that shall be referred to by the chief inspector and the inspectors in carrying out their duties under this Act in reference to the approval of designs, the fabrication, installation, inspection, testing, operation and use of boilers, pressure vessels and plants. R.S.O. 1960, c. 37, s. 46, *amended*. Publications  
to be  
referred to  
by  
inspectors

**41.** Every person who contravenes any of the provisions of this Act or the regulations, or any direction or order given to him by an inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to a term of imprisonment of not more than twelve months, or to both fine and imprisonment. R.S.O. 1960, c. 37, s. 48, *amended*. Offences

**42.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the qualifications of persons who may be issued certificates of competency;
- (b) providing for the issue and renewal of certificates of competency and for the expiration, suspension or cancellation thereof;
- (c) providing for periodic inspections of any class of boilers or pressure vessels;
- (d) requiring the payment of fees for any official function under this Act and prescribing the amounts thereof;
- (e) providing for the payment by the fabricator or owner of a boiler or pressure vessel or the installer or owner of a plant of any or all of the expenses incurred by an inspector in making an inspection of it;
- (f) governing the design, fabrication, installation, operation, use, repair, maintenance or inspection of boilers, pressure vessels or plants or any class thereof;
- (g) prescribing the manner in which the design of a boiler, pressure vessel, plant, fitting or pipe shall be registered and numbered, and the manner in which it shall be marked or identified;

- (h) prescribing the drawings and specifications that shall accompany an application for approval and registration of the design of a boiler, pressure vessel, plant, fitting or pipe and the information to be included therein;
- (i) prescribing the terms and conditions upon which an approved and registered design may be revised;
- (j) prescribing the manner by which the capacity of a boiler, pressure vessel or plant may be determined;
- (k) requiring the fabricator or his agent or officer in charge of fabrication to make a report in respect of the fabrication of a boiler or pressure vessel, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (l) requiring the installer or his agent or officer in charge of the installation of a plant to make a report in respect of the installation of the plant, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (m) prescribing the plans, drawings or information to be given in respect of the repair of a boiler, pressure vessel or plant;
- (n) prescribing the conditions under which a boiler, pressure vessel or plant may be mounted on a vehicle;
- (o) requiring every inspector and insurer to stamp or otherwise permanently identify, by a departmental number designated by the chief inspector, every boiler, pressure vessel or plant inspected by him that does not then have such a departmental number, and establishing such a system of identification and providing for and fixing the amount of the remuneration that shall be paid to insurers for so doing;
- (p) providing for the assigning of identifying symbols to welding operators, and requiring and providing for the imprinting of the symbol by the welding operator on welds made by him;
- (q) classifying refrigerants and governing the conditions under which they may be used;

- (r) prescribing forms and providing for their use;
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 37, s. 49 (1), *amended*.

**43.** All fees and expenses collected under this Act and all fines recovered for offences against this Act or the regulations shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 37, s. 50. Application  
of fees and  
penalties

**44.** *The Boilers and Pressure Vessels Act* and *The Boilers and Pressure Vessels Amendment Act, 1960-61* are repealed. R.S.O. 1960,  
c. 37;  
1960-61, c. 7,  
repealed

**45.** This Act may be cited as *The Boilers and Pressure Vessels Act, 1962-63*. Short title

The Boilers and Pressure Vessels Act,  
1962-63

*1st Reading*

March 7th, 1963

*2nd Reading*

*3rd Reading*

MR. ROWNTREE



## BILL 74

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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### The Boilers and Pressure Vessels Act, 1962-63

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MR. ROWNTREE

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*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTE

This Bill contains a complete revision of the Act that has been in operation, subject to a few minor amendments, since 1951.

The Bill reflects the improvements that experience appears to warrant. The changes are designed to promote and ensure safety.

BILL 74

1962-63

## The Boilers and Pressure Vessels Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

1. "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating;
2. "certificate of approval" means a certificate issued under this Act for a boiler or pressure vessel not inspected during fabrication or for a plant not inspected during installation;
3. "certificate of competency" means a certificate issued under this Act to a person qualified to inspect boilers, pressure vessels and plants, and includes a renewal thereof;
4. "certificate of inspection" means a certificate issued under this Act in respect of any inspection of a boiler, pressure vessel or plant, and includes a certificate of inspection issued by an insurer;
5. "chief inspector" means the chief inspector designated under this Act;
6. "design", in reference to a boiler, pressure vessel or plant, means its plan or pattern, and includes drawings, specifications and, where required, the calculations and a model;

7. "design pressure" means the maximum pressure that a boiler, pressure vessel or plant is designed to withstand safely when operating normally;
8. "fired vessel" means a vessel that is directly heated by,
  - (a) a flame or the hot gases of combustion,
  - (b) electricity,
  - (c) rays from a radioactive source, or
  - (d) molecular agitation arising from the process of fission;
9. "fitting" means a safety valve, stop valve, automatic stop-and-check valve, a blow-down valve, reducing valve, water gauge, gauge cock, pressure gauge, injector, test cock, fusible plug, regulating or controlling device, and pipe fittings, attached to or used in connection with a boiler, pressure vessel or plant;
10. "inspector" means an inspector appointed under this Act, and includes the chief inspector;
11. "insurer" means a person licensed under *The Insurance Act* to undertake boiler and machinery insurance as defined by that Act;
12. "low pressure boiler" means,
  - (a) a boiler in which gas or vapour is generated and that is intended to be operated or is operated at a gas or vapour pressure of not more than 15 pounds, or
  - (b) a boiler in which a liquid is heated but no gas or vapour is generated and that is intended to be operated or is operated at a liquid pressure of not more than 160 pounds and in which the liquid at the outlet does not exceed 250°F.;
13. "major repairs" means repairs that may affect the strength of a boiler, pressure vessel or plant;
14. "maximum allowable pressure" means the maximum pressure at which a boiler, pressure vessel or plant is permitted to be operated or used under this Act;
15. "Minister" means the Minister of Labour;



16. "owner" includes a person for the time being in possession of a boiler, pressure vessel or plant;
17. "periodic inspection" means an inspection made at intervals of other than twelve months;
18. "pipe" means any pipe attached to or connected with a boiler, pressure vessel or plant;
19. "plant" means a system of piping that is used to contain a gas, vapour or liquid under pressure, and includes any boiler or pressure vessel connected thereto;
20. "pressure" means pressure in pounds per square inch measured above prevailing atmospheric pressure;
21. "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure;
22. "regulations" means the regulations made under this Act;
23. "seal" means to take any measures satisfactory to the chief inspector that will effectively prevent the operation or use of a boiler, pressure vessel or plant;
24. "used boiler, pressure vessel or plant" means a boiler, pressure vessel or plant that has been sold or exchanged and that has been moved from its previous site of installation for use elsewhere;
25. "welding" means welding in the fabrication or repair of a boiler, pressure vessel or plant;
26. "welding operator" means a person engaged in welding, either on his own account or in the employ of another person, on the fabrication or repair of boilers, pressure vessels or plants or parts thereof. R.S.O. 1960, c. 37, s. 1, *amended*.

**Exemptions  
from Act****2.—**(1) This Act does not apply to,

- (a) a boiler used in connection with a hot liquid heating system that has no valves or other obstructions to free circulation between the boiler and an expansion tank that is vented freely to the atmosphere;
- (b) a low pressure boiler having a heating surface of 30 square feet or less;
- (c) a boiler, pressure vessel or plant used exclusively for agricultural purposes;
- (d) a pressure vessel having a capacity of  $1\frac{1}{2}$  cubic feet or less;
- (e) a pressure vessel for permanent use at a pressure of 15 pounds or less;
- (f) a pressure vessel having an internal diameter of 6 inches or less;
- (g) a pressure vessel having an internal diameter of 24 inches or less used for the storage of hot water for domestic use;
- (h) a pressure vessel used exclusively for hydraulic purposes at atmospheric temperature;
- (i) a pressure vessel having an internal diameter of 24 inches or less connected in a water-pumping system containing air that is compressed to serve as a cushion;
- (j) a refrigeration plant having a capacity of three tons or less of refrigeration in twenty-four hours.

**Additional  
exemptions**

(2) The Lieutenant Governor in Council may exempt any class of boiler, pressure vessel or plant from this Act or the regulations or any provision thereof. R.S.O. 1960, c. 37, s. 2, *amended*.

**Inspectors,  
appoint-  
ment**

**3.—**(1) The Lieutenant Governor in Council may appoint inspectors to inspect boilers, pressure vessels and plants under this Act, and may designate one of them as the chief inspector.

**Inspectors  
not to have  
interest in  
sale, etc.,  
of boilers,  
etc.**

(2) No person shall be appointed or act as an inspector who has any direct or indirect financial interest in boilers, pressure vessels or plants. R.S.O. 1960, c. 37, s. 4, *amended*.



4.—(1) No person shall carry out an inspection of a boiler, pressure vessel or plant for the purposes of this Act who does not hold a certificate of competency. R.S.O. 1960, c. 37, s. 5 (1), *amended*. Certificate of competency

(2) Subject to the regulations, every applicant for a certificate of competency shall pass such examinations and tests as the Minister requires. R.S.O. 1960, c. 37, s. 5 (2). Examinations

(3) The Minister may suspend, cancel or refuse to renew any certificate of competency for such reasons as are prescribed by the regulations. R.S.O. 1960, c. 37, s. 5 (3), *amended*. Suspension and cancellation

5. An inspector in the course of his duties may enter any building or premises where he has reason to believe that a boiler, pressure vessel or plant is being installed, operated or used. R.S.O. 1960, c. 37, s. 7, *amended*. Right to enter buildings and premises

6.—(1) No person shall hinder or obstruct an inspector in the performance of his duties under this Act or neglect or refuse to furnish information to an inspector in the performance of his duties or furnish him with false or misleading information. R.S.O. 1960, c. 37, s. 48, *part, amended*. Obstructing officer, false information, etc.

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and the carrying out of his duties under this Act. *New*. Entry, inspection, etc.

7. The chief inspector may by notice in writing require the attendance before him of any person at the time and place named in the notice and examine such person under oath regarding any matter pertaining to a boiler, pressure vessel or plant or in respect of an accident arising out of its operation or use. R.S.O. 1960, c. 37, s. 8, *amended*. Power to require attendance and examine under oath

8. On every annual or periodic inspection of a boiler, pressure vessel or plant, the inspector, Powers and duties of inspectors on inspection

(a) shall satisfy himself that the boiler, pressure vessel or plant is being operated or used and maintained in accordance with this Act and the regulations and that the safety valves have seals and are properly set; and

(b) shall review the maximum allowable pressure of the boiler, pressure vessel or plant and make any reduction in it for safe operation or use having regard to its design, fabrication, age, condition and use. R.S.O. 1960, c. 37, s. 9, *amended*.

Power to  
require  
owner, etc.,  
to do things  
necessary  
for proper  
inspection

**9.** An inspector may require the owner or other person responsible for or in charge of a boiler, pressure vessel or plant,

- (a) to prepare it for inspection or test in such manner as the inspector requires and to supply water for and to assist in making any test;
- (b) to cut or drill holes in it or to use any other method to enable the inspector to determine its condition and the thickness of the metal;
- (c) to put it under pressure or otherwise put it into operation so that the inspector may test the safety valves or any part of the installation under operating conditions;
- (d) to stop the application of heat to a boiler or to reduce the pressure upon a boiler, pressure vessel or plant to a designated pressure if the inspector has reason to believe that it is in an unsafe condition; and
- (e) to do any other thing the inspector deems necessary to ensure a proper inspection. R.S.O. 1960, c. 37, s. 11, *amended*.

Safety  
measures  
during  
inspection,  
repair, etc.

**10.** Where during an inspection, repair or the maintenance of a boiler, pressure vessel or plant there is any possibility of any gas, vapour or liquid causing injury to the person inspecting, repairing or maintaining it, the owner or other person responsible for or in charge thereof shall,

- (a) have a competent person stationed so as to prevent any gas, vapour or liquid from entering the boiler, pressure vessel or plant or any part thereof; and
- (b) take such other measures as will ensure the safety of the person inspecting, repairing or maintaining the boiler, pressure vessel or plant. *New*.

Directions  
by inspector  
re instal-  
lation,  
operation,  
etc.

**11.—(1)** An inspector may give directions orally or in writing to the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant on any matter pertaining to safety with regard to its installation, operation, care, maintenance or repair and require that his directions be carried out within such time as he specifies.

Refusal of  
owner, etc.,  
to obey  
directions of  
inspector

**(2)** If the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant fails to comply with any directions given by an inspector, the inspector



shall order that the boiler, pressure vessel or plant be shut down or sealed and he shall forthwith report the circumstances to the chief inspector who may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 12, *amended*.

**12.** Where in the opinion of an inspector a boiler, pressure vessel or plant is in an unsafe operating condition or is being operated in a dangerous manner, the inspector shall seal the boiler, pressure vessel or plant and take such steps as are necessary to remove the danger, and the chief inspector may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 13 (1), *amended*. Where boiler, etc., unsafe

**13.** No person shall operate or use a boiler, pressure vessel or plant that has been shut down or sealed under section 11 or 12, or cause or permit it to be operated or used, or destroy, remove or tamper with the seal of an inspector until permission has been obtained from an inspector. R.S.O. 1960, c. 37, s. 13 (2); 1960-61, c. 7, s. 1, *amended*. Prohibition re operation of sealed boiler, etc.

**14.—(1)** Where a boiler, pressure vessel, fitting or pipe is to be fabricated for use in Ontario, the designer shall submit its design and specifications to the chief inspector for approval and registration by him before commencing its fabrication. R.S.O. 1960, c. 37, s. 14 (1), *amended*. Design of boilers, etc.

**(2)** Where an unused boiler or pressure vessel has been fabricated and its design and specifications have not been approved and registered, the chief inspector may cause it to be inspected, and, if he is satisfied that it may be operated or used safely, may issue a certificate of inspection for it as a used boiler or pressure vessel. R.S.O. 1960, c. 37, s. 17, *amended*. Where design not available

**(3)** Where a plant is to be installed, its design and specifications shall be submitted to the chief inspector for approval and registration before its installation is commenced. R.S.O. 1960, c. 37, s. 14 (2), *amended*. Design of plant

**15.—(1)** The chief inspector may require the inspection, Inspection during fabrication, etc.

- (a) of a boiler or pressure vessel at any stage of its fabrication; or
- (b) of a boiler, pressure vessel or plant at any stage of its installation.

**(2)** Where a boiler or pressure vessel has been inspected during fabrication or a plant has been inspected during installation, the inspector shall report thereon to the chief inspector Issue of certificate of inspection

who, if satisfied that it may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 15, *amended*.

Certificate of approval

**16.** Where the chief inspector has not required the inspection of a boiler or pressure vessel during its fabrication or of a plant during its installation, he may, if he is satisfied that it may be operated or used safely, issue a certificate of approval therefor. R.S.O. 1960, c. 37, s. 16, *amended*.

Boiler, etc., defective after fabrication

**17.** Notwithstanding the approval and registration of its design, if a boiler, pressure vessel or plant is found to be defective after its fabrication or installation, as the case may be, the chief inspector may permit it to be operated or used within such limits of safety as he deems proper, and shall require the fabricator or installer to revise its design and specifications in order to correct its defects within such period as he allows; and, failing such revision or if the defects cannot in his opinion be remedied, he shall cancel the approval and registration of the design, and no additional boiler, pressure vessel or plant shall be fabricated or installed therefrom. R.S.O. 1960, c. 37, s. 18, *amended*.

Boiler, etc., not fabricated in conformity with approved design

**18.** Where a boiler, pressure vessel or plant has not been fabricated or installed, as the case may be, in conformity with its approved design but nevertheless may be used safely at a lower pressure than its design pressure, the person making the inspection shall fix its maximum allowable pressure having regard to its design, condition, installation and the purpose for which it is to be operated or used. R.S.O. 1960, c. 37, s. 20, *amended*.

Prohibition re operation of boilers, etc., at unsafe pressures

**19.**—(1) No person shall operate or use, or permit to be operated or used, any boiler, pressure vessel or plant at a working pressure higher than its design pressure. *New*.

Idem

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant at a pressure higher than its maximum allowable pressure as shown in the certificate of approval or the subsisting certificate of inspection. R.S.O. 1960, c. 37, s. 22, *amended*.

Safety valves

**20.**—(1) Subject to subsection 2, every boiler, pressure vessel or plant shall have at least one safety valve of adequate capacity set to relieve at or below its maximum allowable pressure.

Idem

(2) Where more than one boiler or pressure vessel are connected in a plant for use at a common operating pressure, they shall be protected by one or more safety valves of



adequate capacity set to relieve at or below the common maximum allowable pressure that shall not exceed the maximum allowable pressure of the weakest boiler or pressure vessel in the plant. R.S.O. 1960, c. 37, s. 21, *amended*.

**21.** While a boiler, pressure vessel or plant is in operation or use, no person shall, without the permission of an inspector, alter, interfere with or render inoperative any fitting that is attached for safety purposes to the boiler, pressure vessel or plant. *New.* Tampering with fittings

**22.** Subject to subsection 2 of section 28, the owner of every boiler or pressure vessel in operation or use shall have it inspected at least once in every twelve months, or at such periodic intervals as are prescribed in the regulations, by an inspector or, on the instructions of the chief inspector, by a person having a subsisting certificate of competency. R.S.O. 1960, c. 37, s. 23 (1), *amended*. Annual or periodic inspection

**23.**—(1) Following any inspection, the inspector shall make a report to the chief inspector on the condition and operation or use of the boiler, pressure vessel or plant, and, if the inspector is satisfied that it may continue to be operated or used safely, the chief inspector may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 23 (2), *amended*. Issue of certificate of inspection

(2) The fee for a certificate of inspection and the expenses of the inspector shall be paid to the inspector at the time of inspection, unless the chief inspector has notified the inspector that the fee and expenses are being remitted direct to the chief inspector. R.S.O. 1960, c. 37, s. 24. Fee and expenses

(3) The chief inspector shall not issue a certificate of approval or a certificate of inspection for a boiler, pressure vessel or plant until the provisions of this Act applicable thereto have been complied with and the prescribed fees and expenses have been paid. *New.* Idem

**24.**—(1) A certificate of inspection or a certificate of approval is *prima facie* evidence of the inspection of the boiler, pressure vessel or plant, and the certificate, subject to this Act, authorizes the operation or use of the boiler, pressure vessel or plant in accordance with the terms of the certificate. Certificate authorizes operation

(2) Every certificate of inspection or certificate of approval remains in force for twelve months from the date of inspection unless it is sooner cancelled or unless a shorter or longer period is specified therein. Expiration of certificate

(3) The maximum allowable pressure at which a boiler, pressure vessel or plant may be operated or used and the safety valve set to relieve shall be specified in the certificate of inspection or certificate of approval. Maximum pressure to be specified in certificate



Certificate  
to be posted

(4) Every certificate of inspection or certificate of approval shall be kept in good condition by the owner of the boiler, pressure vessel or plant for which it was issued, and he shall post it in a conspicuous place near such boiler, pressure vessel or plant or, if that should be impracticable, at such place as an inspector may direct. R.S.O. 1960, c. 37, s. 25, *amended*.

Prohibition  
re operation  
without  
certificate  
of inspection

**25.** No person shall operate or use or permit to be operated or used a boiler, pressure vessel or plant unless a certificate of inspection or a certificate of approval for it is in force. R.S.O. 1960, c. 37, s. 26, *amended*.

Further  
inspection  
at any time

**26.—**(1) Notwithstanding that a certificate of inspection or a certificate of approval is in force, the chief inspector may order a further inspection of a boiler, pressure vessel or plant at any time, or an inspector may make a further inspection at any time, and the owner shall pay the fee and expenses prescribed therefor.

Issue of  
new  
certificate

(2) Where an additional inspection is made under subsection 1, the inspector shall report thereon to the chief inspector who, if satisfied that the boiler, pressure vessel or plant may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 27, *amended*.

Annual  
statement  
as to safety

**27.** The owner of a boiler or pressure vessel that is subject to periodic inspection shall, in January of each year, send a statement in the prescribed form to the chief inspector that in his opinion the boiler or pressure vessel is safe to operate or use. *New*.

Insured  
boilers,  
etc.

**28.—**(1) Where a boiler or pressure vessel has been insured, every annual or periodic inspection shall be carried out by or through the insurer, and the insurer, if satisfied that the boiler or pressure vessel may be operated or used safely, shall issue a certificate of inspection therefor.

Exemption  
from  
inspection  
by  
inspector

(2) Where a boiler or pressure vessel is insured, it is exempt from annual or periodic inspection by inspectors appointed under this Act so long as the insurance is in force, unless the chief inspector requires the boiler or pressure vessel to be inspected by an inspector, in which case the fees and expenses referred to in section 23 shall be paid by the owner.

Inspection  
report of  
insured

(3) Every insurer shall file with the chief inspector, within twenty-one days after an inspection has been made, a copy of the report of the inspection over the signature of the person making the inspection.

(4) Every insurer shall forthwith notify the chief inspector <sup>Cancellation or rejection of insurance</sup> in writing of the cancellation or rejection of insurance on a boiler or pressure vessel, together with the reasons therefor.

(5) Where an insurer has cancelled insurance on a boiler <sup>Cancellation of certificate of inspection issued by insurer</sup> or pressure vessel because he considers it unsafe for operation or use, he shall cancel its certificate of inspection, take possession of the certificate and forthwith notify the chief inspector in person or by telegram or telephone of the circumstances of the cancellation. R.S.O. 1960, c. 37, s. 28, *amended*.

**29.**—(1) The Minister may permit the chief inspector to <sup>Employment of insurer, etc., to make inspection</sup> employ the services of an insurer or of any person qualified to engage in the business of inspection of boilers and pressure vessels in Ontario to make any inspection required under this Act and to report thereon within fourteen days after the completion of the inspection. R.S.O. 1960, c. 37, s. 29 (1).

(2) Where a boiler or pressure vessel is to be fabricated <sup>Inspection of boilers, etc., fabricated in other provinces</sup> outside Ontario in any province of Canada for use in Ontario, the chief inspector may arrange with the person in charge of the inspection of boilers and pressure vessels for the province in which it is to be fabricated to carry out inspections during its fabrication and may accept the inspection reports submitted to him by such person for the purposes of this Act.

(3) Where a boiler or pressure vessel is to be fabricated in <sup>Inspection of boilers, etc., fabricated in U.S.A.</sup> the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors and may accept the inspection reports of such inspector for the purposes of this Act.

(4) Where a boiler or pressure vessel is to be fabricated <sup>Inspection of boilers, etc., fabricated elsewhere</sup> outside Canada and the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication through any agency engaged in boiler or pressure vessel inspection and may accept the inspection reports of the agency for the purposes of this Act. R.S.O. 1960, c. 37, s. 29 (2-4), *amended*.

(5) Where a boiler or pressure vessel is inspected under <sup>Certificate of inspection</sup> subsection 1, 2, 3 or 4, a certificate of inspection therefor may be issued by the chief inspector. *New*.

**30.** Every used boiler, pressure vessel or plant shall be <sup>Used boilers, etc.</sup> inspected and tested by an inspector before it is put into operation or use, and he shall report thereon to the chief



inspector, and, if the chief inspector is satisfied that it may be operated or used safely, he may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 30, *amended*.

Boilers, etc.,  
previously  
used  
outside  
Ontario

**31.**—(1) No person shall install or permit to be installed a boiler, pressure vessel or plant previously used outside Ontario unless the consent of the chief inspector has been obtained for such installation. R.S.O. 1960, c. 37, s. 31 (1), *amended*.

Idem,  
operation  
or use

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant previously used outside Ontario unless the chief inspector has issued a certificate of inspection therefor. *New*.

Repairs to  
boilers, etc.,  
found  
unsafe

**32.** Where a boiler, pressure vessel or plant is found to be in an unsafe condition, no person shall make any major repairs thereto until he has notified an inspector of the nature and extent of such repairs and an inspector has approved thereof, and the boiler, pressure vessel or plant shall not be put into operation or use until a further inspection by an inspector has been made and the chief inspector has issued a new certificate of inspection therefor. R.S.O. 1960, c. 37, s. 32, *amended*.

Defects in  
boilers, etc.,  
to be  
pointed  
out to  
inspector

**33.** When a boiler, pressure vessel or plant is being inspected, the owner or other person responsible for it or in immediate charge of it shall point out to the inspector any defect of which he has knowledge or that he believes to exist in it, and, if at any other time he learns of any defect that might render it unsafe to operate or use, he shall forthwith notify the chief inspector in person or by telegram or telephone of the circumstances. R.S.O. 1960, c. 37, s. 33, *amended*.

Condemned  
boilers,  
etc.

**34.**—(1) Where an inspector has inspected a boiler, pressure vessel or plant and has satisfied himself that it can no longer be operated or used safely, he shall condemn it and notify the chief inspector that he has condemned it and shall seal it with a seal or label indicating that it is condemned and shall take possession of its certificate of inspection.

Prohibition  
re operation  
of  
condemned  
boilers, etc.

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant that has been condemned unless he has had it repaired as required by the chief inspector and a further inspection has been made by an inspector and the chief inspector has issued a new certificate of inspection therefor.

Prohibition  
as to  
removal  
for use

(3) No boiler, pressure vessel or plant that has been condemned shall be moved to another location for operation or use without the consent of the chief inspector. R.S.O. 1960, c. 37, s. 34, *amended*.

**35.** The owner of a boiler, pressure vessel or plant, upon permanently removing it from operation or use, shall forthwith notify, in the prescribed form, the chief inspector of such removal. *New.* Notice of removal from operation

**36.—(1)** The procedures to be followed in welding shall be approved by the chief inspector. R.S.O. 1960, c. 37, s. 35 (1), *amended.* Approval of procedures in welding

(2) Every welding operator shall pass such qualification tests as the chief inspector requires. R.S.O. 1960, c. 37, s. 36. Qualification tests

(3) No welding operator shall weld except under an approved procedure. R.S.O. 1960, c. 37, s. 35 (2), *amended.* Welding to be done under approved procedure

(4) The chief inspector shall issue an identification card to every welding operator who passes a qualification test. R.S.O. 1960, c. 37, s. 37 (1). Identification card

(5) Every identification card shall indicate the employer for whom the welding operator is qualified to weld or that he is self-employed or that he desires to be employed and the class or position of welding that he is qualified to do. R.S.O. 1960, c. 37, s. 37 (2), *amended.* Idem

(6) A welding operator may be required at any time to pass such further qualification tests as the chief inspector requires, at which time his identification card shall be cancelled and, on his passing such further tests, a new identification card shall be issued to him. R.S.O. 1960, c. 37, s. 38. Further tests

(7) Such fees as are prescribed by the regulations for the test of a welding operator shall be paid at the time the test is given by the employer of the welding operator or, if he is self-employed or desires to be employed, by himself. R.S.O. 1960, c. 37, s. 39, *amended.* Fees

(8) Every welding operator shall carry his identification card upon his person when welding and shall produce it when requested by an inspector. R.S.O. 1960, c. 37, s. 40. Identification card to be carried

(9) When a welding operator changes his employer or is first employed by an employer, he shall not commence to weld for his new employer or his employer, as the case may be, until he has passed a further qualification test and has been issued a new identification card. R.S.O. 1960, c. 37, s. 41, *amended.* Welding for new employer

(10) No welding operator shall do welding, Prohibition of unqualified person to weld  
(a) unless he is the holder of a subsisting identification card;



- (b) in the employ of any person other than the employer named on his identification card; or
- (c) of a class or position of welding for which he is not qualified.

Employer  
not to  
permit  
welding by  
unqualified  
person

(11) No employer shall permit a welding operator,

- (a) to weld unless he is the employer named in the welding operator's identification card; or
- (b) to do a class of welding or to weld in a position for which the welding operator is not qualified. R.S.O. 1960, c. 37, s. 42, *amended*.

Notification  
of accidents

**37.**—(1) Where an explosion or rupture of a boiler, pressure vessel or plant occurs, or where an accident arises out of its operation or use that causes injury or death to a person, or property damage, the owner or person in charge shall forthwith notify the chief inspector in person or by telegram or telephone giving him full details of the accident and shall within forty-eight hours after the explosion or rupture occurs send him a written report of the circumstances of the occurrence.

Investigation  
of accident

(2) The chief inspector or any inspector under his instruction shall investigate any explosion, rupture or accident so reported, or of which he becomes aware, to determine its cause. R.S.O. 1960, c. 37, s. 43, *amended*.

After  
explosion or  
rupture,  
parts not  
to be  
removed,  
etc.

**38.** Where an explosion or rupture of a boiler, pressure vessel or plant occurs, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. R.S.O. 1960, c. 37, s. 44, *amended*.

Appeal from  
action of  
inspector

**39.**—(1) Any person who is dissatisfied with an inspection or action taken by an inspector may within thirty days thereof appeal to the Minister, who may thereupon cause another inspection to be made by one or more inspectors who shall report to him, and the decision of the Minister is final. R.S.O. 1960, c. 37, s. 45 (1).

Expenses  
of appeal

(2) Any expenses occasioned by the appeal and second inspection as determined by the Minister shall be paid by the appellant. R.S.O. 1960, c. 37, s. 45 (2), *amended*.



**40.** Subject to this Act and the regulations, the publications of the Canadian Standards Association, of the American Standards Association and of the American Society of Mechanical Engineers, as amended from time to time, shall be deemed to contain the rules that shall be referred to by the chief inspector and the inspectors in carrying out their duties under this Act in reference to the approval of designs, the fabrication, installation, inspection, testing, operation and use of boilers, pressure vessels and plants. R.S.O. 1960, c. 37, s. 46, *amended*. Publications  
to be  
referred to  
by  
inspectors

**41.** Every person who contravenes any of the provisions of this Act or the regulations, or any direction or order given to him by an inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to a term of imprisonment of not more than twelve months, or to both fine and imprisonment. R.S.O. 1960, c. 37, s. 48, *amended*. Offences

**42.** The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing the qualifications of persons who may be issued certificates of competency;

(b) providing for the issue and renewal of certificates of competency and for the expiration, suspension or cancellation thereof;

(c) providing for periodic inspections of any class of boilers or pressure vessels;

(d) requiring the payment of fees for any official function under this Act and prescribing the amounts thereof;

(e) providing for the payment by the fabricator or owner of a boiler or pressure vessel or the installer or owner of a plant of any or all of the expenses incurred by an inspector in making an inspection of it;

(f) governing the design, fabrication, installation, operation, use, repair, maintenance or inspection of boilers, pressure vessels or plants or any class thereof;

(g) prescribing the manner in which the design of a boiler, pressure vessel, plant, fitting or pipe shall be registered and numbered, and the manner in which it shall be marked or identified;

- (h) prescribing the drawings and specifications that shall accompany an application for approval and registration of the design of a boiler, pressure vessel, plant, fitting or pipe and the information to be included therein;
- (i) prescribing the terms and conditions upon which an approved and registered design may be revised;
- (j) prescribing the manner by which the capacity of a boiler, pressure vessel or plant may be determined;
- (k) requiring the fabricator or his agent or officer in charge of fabrication to make a report in respect of the fabrication of a boiler or pressure vessel, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (l) requiring the installer or his agent or officer in charge of the installation of a plant to make a report in respect of the installation of the plant, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (m) prescribing the plans, drawings or information to be given in respect of the repair of a boiler, pressure vessel or plant;
- (n) prescribing the conditions under which a boiler, pressure vessel or plant may be mounted on a vehicle;
- (o) requiring every inspector and insurer to stamp or otherwise permanently identify, by a departmental number designated by the chief inspector, every boiler, pressure vessel or plant inspected by him that does not then have such a departmental number, and establishing such a system of identification and providing for and fixing the amount of the remuneration that shall be paid to insurers for so doing;
- (p) providing for the assigning of identifying symbols to welding operators, and requiring and providing for the imprinting of the symbol by the welding operator on welds made by him;
- (q) classifying refrigerants and governing the conditions under which they may be used;

- (r) prescribing forms and providing for their use;
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 37, s. 49 (1), *amended*.

**43.** All fees and expenses collected under this Act and all fines recovered for offences against this Act or the regulations shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 37, s. 50. Application  
of fees and  
penalties

**44.** *The Boilers and Pressure Vessels Act* and *The Boilers and Pressure Vessels Amendment Act, 1960-61* are repealed. R.S.O. 1960,  
c. 37;  
1960-61, c. 7,  
repealed

**45.** This Act may be cited as *The Boilers and Pressure Vessels Act, 1962-63*. Short title

The Boilers and Pressure Vessels Act,  
1962-63

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*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

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MR. ROWNTREE

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*(Reprinted as amended by the  
Committee of the Whole House)*



# **BILL 74**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **The Boilers and Pressure Vessels Act, 1962-63**

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MR. ROWNTREE

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BILL 74

1962-63

## The Boilers and Pressure Vessels Act, 1962-63

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

1. "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "boiler" means a fired vessel in which gas or vapour may be generated or a gas, vapour or liquid may be put under pressure by heating;
2. "certificate of approval" means a certificate issued under this Act for a boiler or pressure vessel not inspected during fabrication or for a plant not inspected during installation;
3. "certificate of competency" means a certificate issued under this Act to a person qualified to inspect boilers, pressure vessels and plants, and includes a renewal thereof;
4. "certificate of inspection" means a certificate issued under this Act in respect of any inspection of a boiler, pressure vessel or plant, and includes a certificate of inspection issued by an insurer;
5. "chief inspector" means the chief inspector designated under this Act;
6. "design", in reference to a boiler, pressure vessel or plant, means its plan or pattern, and includes drawings, specifications and, where required, the calculations and a model;

7. "design pressure" means the maximum pressure that a boiler, pressure vessel or plant is designed to withstand safely when operating normally;
8. "fired vessel" means a vessel that is directly heated by,
  - (a) a flame or the hot gases of combustion,
  - (b) electricity,
  - (c) rays from a radioactive source, or
  - (d) molecular agitation arising from the process of fission;
9. "fitting" means a safety valve, stop valve, automatic stop-and-check valve, a blow-down valve, reducing valve, water gauge, gauge cock, pressure gauge, injector, test cock, fusible plug, regulating or controlling device, and pipe fittings, attached to or used in connection with a boiler, pressure vessel or plant;
10. "inspector" means an inspector appointed under this Act, and includes the chief inspector;
11. "insurer" means a person licensed under *The Insurance Act* to undertake boiler and machinery insurance as defined by that Act;
12. "low pressure boiler" means,
  - (a) a boiler in which gas or vapour is generated and that is intended to be operated or is operated at a gas or vapour pressure of not more than 15 pounds, or
  - (b) a boiler in which a liquid is heated but no gas or vapour is generated and that is intended to be operated or is operated at a liquid pressure of not more than 160 pounds and in which the liquid at the outlet does not exceed 250°F.;
13. "major repairs" means repairs that may affect the strength of a boiler, pressure vessel or plant;
14. "maximum allowable pressure" means the maximum pressure at which a boiler, pressure vessel or plant is permitted to be operated or used under this Act;
15. "Minister" means the Minister of Labour;

16. "owner" includes a person for the time being in possession of a boiler, pressure vessel or plant;
17. "periodic inspection" means an inspection made at intervals of other than twelve months;
18. "pipe" means any pipe attached to or connected with a boiler, pressure vessel or plant;
19. "plant" means a system of piping that is used to contain a gas, vapour or liquid under pressure, and includes any boiler or pressure vessel connected thereto;
20. "pressure" means pressure in pounds per square inch measured above prevailing atmospheric pressure;
21. "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure, and includes any pipe, fitting and other equipment attached thereto or used in connection therewith, except that, where the expression is used in respect of the approval and registration of its design, "pressure vessel" means an unfired vessel that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure;
22. "regulations" means the regulations made under this Act;
23. "seal" means to take any measures satisfactory to the chief inspector that will effectively prevent the operation or use of a boiler, pressure vessel or plant;
24. "used boiler, pressure vessel or plant" means a boiler, pressure vessel or plant that has been sold or exchanged and that has been moved from its previous site of installation for use elsewhere;
25. "welding" means welding in the fabrication or repair of a boiler, pressure vessel or plant;
26. "welding operator" means a person engaged in welding, either on his own account or in the employ of another person, on the fabrication or repair of boilers, pressure vessels or plants or parts thereof. R.S.O. 1960, c. 37, s. 1, *amended*.



Exemptions  
from Act

2.—(1) This Act does not apply to,

- (a) a boiler used in connection with a hot liquid heating system that has no valves or other obstructions to free circulation between the boiler and an expansion tank that is vented freely to the atmosphere;
- (b) a low pressure boiler having a heating surface of 30 square feet or less;
- (c) a boiler, pressure vessel or plant used exclusively for agricultural purposes;
- (d) a pressure vessel having a capacity of  $1\frac{1}{2}$  cubic feet or less;
- (e) a pressure vessel for permanent use at a pressure of 15 pounds or less;
- (f) a pressure vessel having an internal diameter of 6 inches or less;
- (g) a pressure vessel having an internal diameter of 24 inches or less used for the storage of hot water for domestic use;
- (h) a pressure vessel used exclusively for hydraulic purposes at atmospheric temperature;
- (i) a pressure vessel having an internal diameter of 24 inches or less connected in a water-pumping system containing air that is compressed to serve as a cushion;
- (j) a refrigeration plant having a capacity of three tons or less of refrigeration in twenty-four hours.

Additional  
exemptions

(2) The Lieutenant Governor in Council may exempt any class of boiler, pressure vessel or plant from this Act or the regulations or any provision thereof. R.S.O. 1960, c. 37, s. 2, *amended*.

Inspectors,  
appoint-  
ment

3.—(1) The Lieutenant Governor in Council may appoint inspectors to inspect boilers, pressure vessels and plants under this Act, and may designate one of them as the chief inspector.

Inspectors  
not to have  
interest in  
sale, etc.,  
of boilers,  
etc.

(2) No person shall be appointed or act as an inspector who has any direct or indirect financial interest in boilers, pressure vessels or plants. R.S.O. 1960, c. 37, s. 4, *amended*.



4.—(1) No person shall carry out an inspection of a boiler, pressure vessel or plant for the purposes of this Act who does not hold a certificate of competency. R.S.O. 1960, c. 37, s. 5 (1), *amended*. Certificate of competency

(2) Subject to the regulations, every applicant for a certificate of competency shall pass such examinations and tests as the Minister requires. R.S.O. 1960, c. 37, s. 5 (2). Examinations

(3) The Minister may suspend, cancel or refuse to renew any certificate of competency for such reasons as are prescribed by the regulations. R.S.O. 1960, c. 37, s. 5 (3), *amended*. Suspension and cancellation

5. An inspector in the course of his duties may enter any building or premises where he has reason to believe that a boiler, pressure vessel or plant is being installed, operated or used. R.S.O. 1960, c. 37, s. 7, *amended*. Right to enter buildings and premises

6.—(1) No person shall hinder or obstruct an inspector in the performance of his duties under this Act or neglect or refuse to furnish information to an inspector in the performance of his duties or furnish him with false or misleading information. R.S.O. 1960, c. 37, s. 48, *part, amended*. Obstructing officer, false information, etc.

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and the carrying out of his duties under this Act. *New*. Entry, inspection, etc.

7. The chief inspector may by notice in writing require the attendance before him of any person at the time and place named in the notice and examine such person under oath regarding any matter pertaining to a boiler, pressure vessel or plant or in respect of an accident arising out of its operation or use. R.S.O. 1960, c. 37, s. 8, *amended*. Power to require attendance and examine under oath

8. On every annual or periodic inspection of a boiler, pressure vessel or plant, the inspector, Powers and duties of inspectors on inspection

(a) shall satisfy himself that the boiler, pressure vessel or plant is being operated or used and maintained in accordance with this Act and the regulations and that the safety valves have seals and are properly set; and

(b) shall review the maximum allowable pressure of the boiler, pressure vessel or plant and make any reduction in it for safe operation or use having regard to its design, fabrication, age, condition and use. R.S.O. 1960, c. 37, s. 9, *amended*.

Power to  
require  
owner, etc.,  
to do things  
necessary  
for proper  
inspection

**9.** An inspector may require the owner or other person responsible for or in charge of a boiler, pressure vessel or plant,

- (a) to prepare it for inspection or test in such manner as the inspector requires and to supply water for and to assist in making any test;
- (b) to cut or drill holes in it or to use any other method to enable the inspector to determine its condition and the thickness of the metal;
- (c) to put it under pressure or otherwise put it into operation so that the inspector may test the safety valves or any part of the installation under operating conditions;
- (d) to stop the application of heat to a boiler or to reduce the pressure upon a boiler, pressure vessel or plant to a designated pressure if the inspector has reason to believe that it is in an unsafe condition; and
- (e) to do any other thing the inspector deems necessary to ensure a proper inspection. R.S.O. 1960, c. 37, s. 11, *amended*.

Safety  
measures  
during  
inspection,  
repair, etc.

**10.** Where during an inspection, repair or the maintenance of a boiler, pressure vessel or plant there is any possibility of any gas, vapour or liquid causing injury to the person inspecting, repairing or maintaining it, the owner or other person responsible for or in charge thereof shall,

- (a) have a competent person stationed so as to prevent any gas, vapour or liquid from entering the boiler, pressure vessel or plant or any part thereof; and
- (b) take such other measures as will ensure the safety of the person inspecting, repairing or maintaining the boiler, pressure vessel or plant. *New*.

Directions  
by inspector  
re instal-  
lation,  
operation,  
etc.

**11.—(1)** An inspector may give directions orally or in writing to the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant on any matter pertaining to safety with regard to its installation, operation, care, maintenance or repair and require that his directions be carried out within such time as he specifies.

Refusal of  
owner, etc.,  
to obey  
directions of  
inspector

**(2)** If the owner or other person responsible for or in immediate charge of a boiler, pressure vessel or plant fails to comply with any directions given by an inspector, the inspector

shall order that the boiler, pressure vessel or plant be shut down or sealed and he shall forthwith report the circumstances to the chief inspector who may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 12, *amended*.

**12.** Where in the opinion of an inspector a boiler, pressure vessel or plant is in an unsafe operating condition or is being operated in a dangerous manner, the inspector shall seal the boiler, pressure vessel or plant and take such steps as are necessary to remove the danger, and the chief inspector may cancel the certificate of inspection or the certificate of approval. R.S.O. 1960, c. 37, s. 13 (1), *amended*. Where boiler, etc., unsafe

**13.** No person shall operate or use a boiler, pressure vessel or plant that has been shut down or sealed under section 11 or 12, or cause or permit it to be operated or used, or destroy, remove or tamper with the seal of an inspector until permission has been obtained from an inspector. R.S.O. 1960, c. 37, s. 13 (2); 1960-61, c. 7, s. 1, *amended*. Prohibition re operation of sealed boiler, etc.

**14.—(1)** Where a boiler, pressure vessel, fitting or pipe is to be fabricated for use in Ontario, the designer shall submit its design and specifications to the chief inspector for approval and registration by him before commencing its fabrication. R.S.O. 1960, c. 37, s. 14 (1), *amended*. Design of boilers, etc.

**(2)** Where an unused boiler or pressure vessel has been fabricated and its design and specifications have not been approved and registered, the chief inspector may cause it to be inspected, and, if he is satisfied that it may be operated or used safely, may issue a certificate of inspection for it as a used boiler or pressure vessel. R.S.O. 1960, c. 37, s. 17, *amended*. Where design not available

**(3)** Where a plant is to be installed, its design and specifications shall be submitted to the chief inspector for approval and registration before its installation is commenced. R.S.O. 1960, c. 37, s. 14 (2), *amended*. Design of plant

**15.—(1)** The chief inspector may require the inspection, Inspection during fabrication, etc.

- (a) of a boiler or pressure vessel at any stage of its fabrication; or

- (b) of a boiler, pressure vessel or plant at any stage of its installation.

**(2)** Where a boiler or pressure vessel has been inspected during fabrication or a plant has been inspected during installation, the inspector shall report thereon to the chief inspector Issue of certificate of inspection



who, if satisfied that it may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 15, *amended*.

Certificate  
of approval

**16.** Where the chief inspector has not required the inspection of a boiler or pressure vessel during its fabrication or of a plant during its installation, he may, if he is satisfied that it may be operated or used safely, issue a certificate of approval therefor. R.S.O. 1960, c. 37, s. 16, *amended*.

Boiler, etc.,  
defective  
after  
fabrication

**17.** Notwithstanding the approval and registration of its design, if a boiler, pressure vessel or plant is found to be defective after its fabrication or installation, as the case may be, the chief inspector may permit it to be operated or used within such limits of safety as he deems proper, and shall require the fabricator or installer to revise its design and specifications in order to correct its defects within such period as he allows, and, failing such revision or if the defects cannot in his opinion be remedied, he shall cancel the approval and registration of the design, and no additional boiler, pressure vessel or plant shall be fabricated or installed therefrom. R.S.O. 1960, c. 37, s. 18, *amended*.

Boiler, etc.,  
not  
fabricated in  
conformity  
with  
approved  
design

**18.** Where a boiler, pressure vessel or plant has not been fabricated or installed, as the case may be, in conformity with its approved design but nevertheless may be used safely at a lower pressure than its design pressure, the person making the inspection shall fix its maximum allowable pressure having regard to its design, condition, installation and the purpose for which it is to be operated or used. R.S.O. 1960, c. 37, s. 20, *amended*.

Prohibition  
re operation  
of boilers,  
etc., at  
unsafe  
pressures

**19.—(1)** No person shall operate or use, or permit to be operated or used, any boiler, pressure vessel or plant at a working pressure higher than its design pressure. *New*.

Idem

**(2)** No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant at a pressure higher than its maximum allowable pressure as shown in the certificate of approval or the subsisting certificate of inspection. R.S.O. 1960, c. 37, s. 22, *amended*.

Safety  
valves

**20.—(1)** Subject to subsection 2, every boiler, pressure vessel or plant shall have at least one safety valve of adequate capacity set to relieve at or below its maximum allowable pressure.

Idem

**(2)** Where more than one boiler or pressure vessel are connected in a plant for use at a common operating pressure, they shall be protected by one or more safety valves of

adequate capacity set to relieve at or below the common maximum allowable pressure that shall not exceed the maximum allowable pressure of the weakest boiler or pressure vessel in the plant. R.S.O. 1960, c. 37, s. 21, *amended*.

**21.** While a boiler, pressure vessel or plant is in operation or use, no person shall, without the permission of an inspector, alter, interfere with or render inoperative any fitting that is attached for safety purposes to the boiler, pressure vessel or plant. *New.* Tampering  
with fittings

**22.** Subject to subsection 2 of section 28, the owner of every boiler or pressure vessel in operation or use shall have it inspected at least once in every twelve months, or at such periodic intervals as are prescribed in the regulations, by an inspector or, on the instructions of the chief inspector, by a person having a subsisting certificate of competency. R.S.O. 1960, c. 37, s. 23 (1), *amended*. Annual or  
periodic  
inspection

**23.**—(1) Following any inspection, the inspector shall make a report to the chief inspector on the condition and operation or use of the boiler, pressure vessel or plant, and, if the inspector is satisfied that it may continue to be operated or used safely, the chief inspector may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 23 (2), *amended*. Issue of  
certificate  
of inspection

(2) The fee for a certificate of inspection and the expenses of the inspector shall be paid to the inspector at the time of inspection, unless the chief inspector has notified the inspector that the fee and expenses are being remitted direct to the chief inspector. R.S.O. 1960, c. 37, s. 24. Fee and  
expenses

(3) The chief inspector shall not issue a certificate of approval or a certificate of inspection for a boiler, pressure vessel or plant until the provisions of this Act applicable thereto have been complied with and the prescribed fees and expenses have been paid. *New.* Idem

**24.**—(1) A certificate of inspection or a certificate of approval is *prima facie* evidence of the inspection of the boiler, pressure vessel or plant, and the certificate, subject to this Act, authorizes the operation or use of the boiler, pressure vessel or plant in accordance with the terms of the certificate. Certificate  
authorizes  
operation

(2) Every certificate of inspection or certificate of approval remains in force for twelve months from the date of inspection unless it is sooner cancelled or unless a shorter or longer period is specified therein. Expiration  
of  
certificate

(3) The maximum allowable pressure at which a boiler, pressure vessel or plant may be operated or used and the safety valve set to relieve shall be specified in the certificate of inspection or certificate of approval. Maximum  
pressure  
to be  
specified in  
certificate



Certificate  
to be posted

(4) Every certificate of inspection or certificate of approval shall be kept in good condition by the owner of the boiler, pressure vessel or plant for which it was issued, and he shall post it in a conspicuous place near such boiler, pressure vessel or plant or, if that should be impracticable, at such place as an inspector may direct. R.S.O. 1960, c. 37, s. 25, *amended*.

Prohibition  
re operation  
without  
certificate  
of inspection

**25.** No person shall operate or use or permit to be operated or used a boiler, pressure vessel or plant unless a certificate of inspection or a certificate of approval for it is in force. R.S.O. 1960, c. 37, s. 26, *amended*.

Further  
inspection  
at any time

**26.—(1)** Notwithstanding that a certificate of inspection or a certificate of approval is in force, the chief inspector may order a further inspection of a boiler, pressure vessel or plant at any time, or an inspector may make a further inspection at any time, and the owner shall pay the fee and expenses prescribed therefor.

Issue of  
new  
certificate

(2) Where an additional inspection is made under subsection 1, the inspector shall report thereon to the chief inspector who, if satisfied that the boiler, pressure vessel or plant may be operated or used safely, may issue a certificate of inspection for it. R.S.O. 1960, c. 37, s. 27, *amended*.

Annual  
statement  
as to safety

**27.** The owner of a boiler or pressure vessel that is subject to periodic inspection shall, in January of each year, send a statement in the prescribed form to the chief inspector that in his opinion the boiler or pressure vessel is safe to operate or use. *New*.

Insured  
boilers,  
etc.

**28.—(1)** Where a boiler or pressure vessel has been insured, every annual or periodic inspection shall be carried out by or through the insurer, and the insurer, if satisfied that the boiler or pressure vessel may be operated or used safely, shall issue a certificate of inspection therefor.

Exemption  
from  
inspection  
by  
inspector

(2) Where a boiler or pressure vessel is insured, it is exempt from annual or periodic inspection by inspectors appointed under this Act so long as the insurance is in force, unless the chief inspector requires the boiler or pressure vessel to be inspected by an inspector, in which case the fees and expenses referred to in section 23 shall be paid by the owner.

Inspection  
report of  
insured

(3) Every insurer shall file with the chief inspector, within twenty-one days after an inspection has been made, a copy of the report of the inspection over the signature of the person making the inspection.

(4) Every insurer shall forthwith notify the chief inspector in writing of the cancellation or rejection of insurance on a boiler or pressure vessel, together with the reasons therefor. Cancellation or rejection of insurance

(5) Where an insurer has cancelled insurance on a boiler or pressure vessel because he considers it unsafe for operation or use, he shall cancel its certificate of inspection, take possession of the certificate and forthwith notify the chief inspector in person or by telegram or telephone of the circumstances of the cancellation. R.S.O. 1960, c. 37, s. 28, *amended*. Cancellation of certificate of inspection issued by insurer

**29.**—(1) The Minister may permit the chief inspector to employ the services of an insurer or of any person qualified to engage in the business of inspection of boilers and pressure vessels in Ontario to make any inspection required under this Act and to report thereon within fourteen days after the completion of the inspection. R.S.O. 1960, c. 37, s. 29 (1). Employment of insurer, etc., to make inspection

(2) Where a boiler or pressure vessel is to be fabricated outside Ontario in any province of Canada for use in Ontario, the chief inspector may arrange with the person in charge of the inspection of boilers and pressure vessels for the province in which it is to be fabricated to carry out inspections during its fabrication and may accept the inspection reports submitted to him by such person for the purposes of this Act. Inspection of boilers, etc., fabricated in other provinces

(3) Where a boiler or pressure vessel is to be fabricated in the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors and may accept the inspection reports of such inspector for the purposes of this Act. Inspection of boilers, etc., fabricated in U.S.A.

(4) Where a boiler or pressure vessel is to be fabricated outside Canada and the United States of America for use in Ontario, the chief inspector may arrange for the inspection of it during fabrication through any agency engaged in boiler or pressure vessel inspection and may accept the inspection reports of the agency for the purposes of this Act. R.S.O. 1960, c. 37, s. 29 (2-4), *amended*. Inspection of boilers, etc., fabricated elsewhere

(5) Where a boiler or pressure vessel is inspected under subsection 1, 2, 3 or 4, a certificate of inspection therefor may be issued by the chief inspector. *New*. Certificate of inspection

**30.** Every used boiler, pressure vessel or plant shall be inspected and tested by an inspector before it is put into operation or use, and he shall report thereon to the chief Used boilers, etc.

inspector, and, if the chief inspector is satisfied that it may be operated or used safely, he may issue a certificate of inspection. R.S.O. 1960, c. 37, s. 30, *amended*.

Boilers, etc.,  
previously  
used  
outside  
Ontario

**31.**—(1) No person shall install or permit to be installed a boiler, pressure vessel or plant previously used outside Ontario unless the consent of the chief inspector has been obtained for such installation. R.S.O. 1960, c. 37, s. 31 (1), *amended*.

Idem,  
operation  
or use

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant previously used outside Ontario unless the chief inspector has issued a certificate of inspection therefor. *New*.

Repairs to  
boilers, etc.,  
found  
unsafe

**32.** Where a boiler, pressure vessel or plant is found to be in an unsafe condition, no person shall make any major repairs thereto until he has notified an inspector of the nature and extent of such repairs and an inspector has approved thereof, and the boiler, pressure vessel or plant shall not be put into operation or use until a further inspection by an inspector has been made and the chief inspector has issued a new certificate of inspection therefor. R.S.O. 1960, c. 37, s. 32, *amended*.

Defects in  
boilers, etc.,  
to be  
pointed  
out to  
inspector

**33.** When a boiler, pressure vessel or plant is being inspected, the owner or other person responsible for it or in immediate charge of it shall point out to the inspector any defect of which he has knowledge or that he believes to exist in it, and, if at any other time he learns of any defect that might render it unsafe to operate or use, he shall forthwith notify the chief inspector in person or by telegram or telephone of the circumstances. R.S.O. 1960, c. 37, s. 33, *amended*.

Condemned  
boilers,  
etc.

**34.**—(1) Where an inspector has inspected a boiler, pressure vessel or plant and has satisfied himself that it can no longer be operated or used safely, he shall condemn it and notify the chief inspector that he has condemned it and shall seal it with a seal or label indicating that it is condemned and shall take possession of its certificate of inspection.

Prohibition  
re operation  
of  
condemned  
boilers, etc.

(2) No person shall operate or use, or permit to be operated or used, a boiler, pressure vessel or plant that has been condemned unless he has had it repaired as required by the chief inspector and a further inspection has been made by an inspector and the chief inspector has issued a new certificate of inspection therefor.

Prohibition  
as to  
removal  
for use

(3) No boiler, pressure vessel or plant that has been condemned shall be moved to another location for operation or use without the consent of the chief inspector. R.S.O. 1960, c. 37, s. 34, *amended*.



**35.** The owner of a boiler, pressure vessel or plant, upon permanently removing it from operation or use, shall forthwith notify, in the prescribed form, the chief inspector of such removal. *New.*

Notice of  
removal  
from  
operation

**36.—(1)** The procedures to be followed in welding shall be approved by the chief inspector. R.S.O. 1960, c. 37, s. 35 (1), *amended.*

Approval of  
procedures  
in welding

(2) Every welding operator shall pass such qualification tests as the chief inspector requires. R.S.O. 1960, c. 37, s. 36.

Qualification  
tests

(3) No welding operator shall weld except under an approved procedure. R.S.O. 1960, c. 37, s. 35 (2), *amended.*

Welding to  
be done  
under  
approved  
procedure

(4) The chief inspector shall issue an identification card to every welding operator who passes a qualification test. R.S.O. 1960, c. 37, s. 37 (1).

Identification  
card

(5) Every identification card shall indicate the employer for whom the welding operator is qualified to weld or that he is self-employed or that he desires to be employed and the class or position of welding that he is qualified to do. R.S.O. 1960, c. 37, s. 37 (2), *amended.*

Idem

(6) A welding operator may be required at any time to pass such further qualification tests as the chief inspector requires, at which time his identification card shall be cancelled and, on his passing such further tests, a new identification card shall be issued to him. R.S.O. 1960, c. 37, s. 38.

Further  
tests

(7) Such fees as are prescribed by the regulations for the test of a welding operator shall be paid at the time the test is given by the employer of the welding operator or, if he is self-employed or desires to be employed, by himself. R.S.O. 1960, c. 37, s. 39, *amended.*

Fees

(8) Every welding operator shall carry his identification card upon his person when welding and shall produce it when requested by an inspector. R.S.O. 1960, c. 37, s. 40.

Identifica-  
tion card  
to be  
carried

(9) When a welding operator changes his employer or is first employed by an employer, he shall not commence to weld for his new employer or his employer, as the case may be, until he has passed a further qualification test and has been issued a new identification card. R.S.O. 1960, c. 37, s. 41, *amended.*

Welding  
for new  
employer

(10) No welding operator shall do welding,

(a) unless he is the holder of a subsisting identification card;

Prohibition  
of unqual-  
ified person  
to weld

(b) in the employ of any person other than the employer named on his identification card; or

(c) of a class or position of welding for which he is not qualified.

Employer  
not to  
permit  
welding by  
unqualified  
person

(11) No employer shall permit a welding operator,

(a) to weld unless he is the employer named in the welding operator's identification card; or

(b) to do a class of welding or to weld in a position for which the welding operator is not qualified. R.S.O. 1960, c. 37, s. 42, *amended*.

Notification  
of accidents

**37.**—(1) Where an explosion or rupture of a boiler, pressure vessel or plant occurs, or where an accident arises out of its operation or use that causes injury or death to a person, or property damage, the owner or person in charge shall forthwith notify the chief inspector in person or by telegram or telephone giving him full details of the accident and shall within forty-eight hours after the explosion or rupture occurs send him a written report of the circumstances of the occurrence.

Investigation  
of accident

(2) The chief inspector or any inspector under his instruction shall investigate any explosion, rupture or accident so reported, or of which he becomes aware, to determine its cause. R.S.O. 1960, c. 37, s. 43, *amended*.

After  
explosion or  
rupture,  
parts not  
to be  
removed,  
etc.

**38.** Where an explosion or rupture of a boiler, pressure vessel or plant occurs, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. R.S.O. 1960, c. 37, s. 44, *amended*.

Appeal from  
action of  
inspector

**39.**—(1) Any person who is dissatisfied with an inspection or action taken by an inspector may within thirty days thereof appeal to the Minister, who may thereupon cause another inspection to be made by one or more inspectors who shall report to him, and the decision of the Minister is final. R.S.O. 1960, c. 37, s. 45 (1).

Expenses  
of appeal

(2) Any expenses occasioned by the appeal and second inspection as determined by the Minister shall be paid by the appellant. R.S.O. 1960, c. 37, s. 45 (2), *amended*.



**40.** Subject to this Act and the regulations, the publications of the Canadian Standards Association, of the American Standards Association and of the American Society of Mechanical Engineers, as amended from time to time, shall be deemed to contain the rules that shall be referred to by the chief inspector and the inspectors in carrying out their duties under this Act in reference to the approval of designs, the fabrication, installation, inspection, testing, operation and use of boilers, pressure vessels and plants. R.S.O. 1960, c. 37, s. 46, *amended*. <sup>Publications to be referred to by inspectors</sup>

**41.** Every person who contravenes any of the provisions of this Act or the regulations, or any direction or order given to him by an inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to a term of imprisonment of not more than twelve months, or to both fine and imprisonment. R.S.O. 1960, c. 37, s. 48, *amended*. <sup>Offences</sup>

**42.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) prescribing the qualifications of persons who may be issued certificates of competency;
- (b) providing for the issue and renewal of certificates of competency and for the expiration, suspension or cancellation thereof;
- (c) providing for periodic inspections of any class of boilers or pressure vessels;
- (d) requiring the payment of fees for any official function under this Act and prescribing the amounts thereof;
- (e) providing for the payment by the fabricator or owner of a boiler or pressure vessel or the installer or owner of a plant of any or all of the expenses incurred by an inspector in making an inspection of it;
- (f) governing the design, fabrication, installation, operation, use, repair, maintenance or inspection of boilers, pressure vessels or plants or any class thereof;
- (g) prescribing the manner in which the design of a boiler, pressure vessel, plant, fitting or pipe shall be registered and numbered, and the manner in which it shall be marked or identified;

- (h) prescribing the drawings and specifications that shall accompany an application for approval and registration of the design of a boiler, pressure vessel, plant, fitting or pipe and the information to be included therein;
- (i) prescribing the terms and conditions upon which an approved and registered design may be revised;
- (j) prescribing the manner by which the capacity of a boiler, pressure vessel or plant may be determined;
- (k) requiring the fabricator or his agent or officer in charge of fabrication to make a report in respect of the fabrication of a boiler or pressure vessel, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (l) requiring the installer or his agent or officer in charge of the installation of a plant to make a report in respect of the installation of the plant, and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (m) prescribing the plans, drawings or information to be given in respect of the repair of a boiler, pressure vessel or plant;
- (n) prescribing the conditions under which a boiler, pressure vessel or plant may be mounted on a vehicle;
- (o) requiring every inspector and insurer to stamp or otherwise permanently identify, by a departmental number designated by the chief inspector, every boiler, pressure vessel or plant inspected by him that does not then have such a departmental number, and establishing such a system of identification and providing for and fixing the amount of the remuneration that shall be paid to insurers for so doing;
- (p) providing for the assigning of identifying symbols to welding operators, and requiring and providing for the imprinting of the symbol by the welding operator on welds made by him;
- (q) classifying refrigerants and governing the conditions under which they may be used;

- (r) prescribing forms and providing for their use;
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 37, s. 49 (1), *amended*.

**43.** All fees and expenses collected under this Act and all fines recovered for offences against this Act or the regulations shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 37, s. 50. Application of fees and penalties

**44.** *The Boilers and Pressure Vessels Act* and *The Boilers and Pressure Vessels Amendment Act, 1960-61* are repealed. R.S.O. 1960, c. 37; 1960-61, c. 7, repealed

**45.** This Act may be cited as *The Boilers and Pressure Vessels Act, 1962-63*. Short title

The Boilers and Pressure Vessels Act,  
1962-63

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*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

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Mr. ROWNTREE

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# **BILL 75**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Factory, Shop and Office Building Act**

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**MR. ROWNTREE**

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#### EXPLANATORY NOTES

SECTION 1. The provision repealed exempts repairmen from the Act.

The effect of the repeal is to bring this class of workmen within the scope of the Act.

SECTION 2. The provision repealed exempts factories in which not more than five persons are employed and there is no machinery.

The effect of the repeal is to bring this class of factory within the scope of the Act.

SECTION 3. The only changes in the subsection are the addition of the words "vapours" and "mists", the substitution of "safety harness" for "belt", and clause c is re-designed in the interests of safety.

BILL 75

1962-63

## An Act to amend The Factory, Shop and Office Building Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Factory, Shop and Office Building Act* is repealed. R.S.O. 1960,  
c. 130, s. 4,  
repealed

2. Subsection 1 of section 7 of *The Factory, Shop and Office Building Act* is repealed. R.S.O. 1960,  
c. 130, s. 7,  
subs. 1,  
repealed

3. Subsection 5 of section 54 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 130, s. 54,  
subs. 5,  
re-enacted

(5) No person shall be allowed to enter a tank, chamber, pit, pipe, flue or other confined space in which dangerous vapours, mists, fumes, dusts or extreme temperatures are liable to be present in a factory unless,

(a) such confined space has a manhole or other means of easy egress and has been thoroughly ventilated and tested to be safe for entry;

(b) such person is wearing suitable breathing apparatus and a safety harness to which there is securely attached a rope the free end of which is held by a person outside the confined space;

(c) there is conveniently available suitable reviving apparatus and a person trained in the operation thereof to the satisfaction of an inspector,

and such safety harness, rope and other apparatus shall be periodically inspected by the employer and maintained in good working order.

R.S.O. 1960,  
c. 130, s. 60,  
amended

4.—(1) Section 60 of *The Factory, Shop and Office Building Act* is amended by striking out “six” in the fourth line and in the sixth line and inserting in lieu thereof in each instance “three” and by striking out “less than \$10 and not more than \$30” in the ninth line and inserting in lieu thereof “more than \$100”, so that subsection 1 of the said section shall read as follows:

Notice of  
accident  
to be given  
to inspector

- (1) Where a fire, accident or industrial disease in a factory, shop, bakeshop, restaurant or office building occasions any bodily injury to a person employed therein whereby he is prevented from working for more than three days, a notice in the prescribed form shall be sent to the chief inspector by the employer forthwith after the expiration of such three days, and, if such notice is not so sent, the employer is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

R.S.O. 1960,  
c. 130, s. 60,  
amended

- (2) The said section 60 is further amended by adding thereto the following subsection:

Alternative  
notice  
R.S.O. 1960,  
c. 437

- (2) A true copy of the notice mentioned in section 21 of *The Workmen's Compensation Act* may be sent in lieu of the prescribed form mentioned in subsection 1.

R.S.O. 1960,  
c. 130, s. 62,  
re-enacted

5. Section 62 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Fatal  
accidents;  
critical  
injuries

62. Where in a factory, shop, bakeshop, restaurant or office building a person is killed from any cause or is injured critically from any cause,

- (a) the employer shall forthwith notify an inspector by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send the chief inspector a written report of the circumstances of the occurrence; and

- (b) no person shall, except for the purposes of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1962-63*.

SECTION 4—Subsection 1. The off-work period is reduced from 6 to 3 days to bring it into line with *The Workmen's Compensation Act*. Secondly, the minimum fine is deleted and the maximum fine increased from \$30 to \$100.

Subsection 2. This new provision will be helpful to employers in reporting accidents.

SECTION 5. Self-explanatory. Clause *b* is new and is similar to provisions in other safety Acts.







An Act to amend The Factory, Shop and  
Office Building Act

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*1st Reading*

March 7th, 1963

*2nd Reading*

*3rd Reading*

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MR. ROWNTREE

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# BILL 75

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Factory, Shop and Office Building Act

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MR. ROWNTREE

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*(Reprinted as amended by the Committee of the Whole House)*

### EXPLANATORY NOTES

SECTION 1. The provisions repealed exempt repairmen from the Act.

The effect of the repeal is to bring this class of workmen within the scope of the Act.

SECTION 2. The provision repealed exempts factories in which not more than five persons are employed and there is no machinery.

The effect of the repeal is to bring this class of factory within the scope of the Act.

SECTION 3. The only changes in the subsection are the addition of the words "vapours" and "mists", the substitution of "safety harness" for "belt", and clause c is re-designed in the interests of safety.

BILL 75

1962-63

## An Act to amend The Factory, Shop and Office Building Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Factory, Shop and Office Building Act* is repealed. R.S.O. 1960,  
c. 130, s. 4,  
repealed

2. Subsections 1 and 2 of section 7 of *The Factory, Shop and Office Building Act* are repealed. R.S.O. 1960,  
c. 130, s. 7,  
subss. 1, 2,  
repealed

3. Subsection 5 of section 54 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 130, s. 54,  
subs. 5,  
re-enacted

(5) No person shall be allowed to enter a tank, chamber, pit, pipe, flue or other confined space in which dangerous vapours, mists, fumes, dusts or extreme temperatures are liable to be present in a factory unless,

(a) such confined space has a manhole or other means of easy egress and has been thoroughly ventilated and tested to be safe for entry;

(b) such person is wearing suitable breathing apparatus and a safety harness to which there is securely attached a rope the free end of which is held by a person outside the confined space;

(c) there is conveniently available suitable reviving apparatus and a person trained in the operation thereof to the satisfaction of an inspector,

and such safety harness, rope and other apparatus shall be periodically inspected by the employer and maintained in good working order.



R.S.O. 1960,  
c. 130, s. 60,  
amended

4.—(1) Section 60 of *The Factory, Shop and Office Building Act* is amended by striking out "six" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "three" and by striking out "less than \$10 and not more than \$30" in the ninth line and inserting in lieu thereof "more than \$100", so that subsection 1 of the said section shall read as follows:

Notice of  
accident  
to be given  
to inspector

- (1) Where a fire, accident or industrial disease in a factory, shop, bakeshop, restaurant or office building occasions any bodily injury to a person employed therein whereby he is prevented from working for more than three days, a notice in the prescribed form shall be sent to the chief inspector by the employer forthwith after the expiration of such three days, and, if such notice is not so sent, the employer is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

R.S.O. 1960,  
c. 130, s. 60,  
amended

- (2) The said section 60 is further amended by adding thereto the following subsection:

Alternative  
notice

R.S.O. 1960,  
c. 437

- (2) A true copy of the notice mentioned in section 115 of *The Workmen's Compensation Act* may be sent in lieu of the prescribed form mentioned in subsection 1.

R.S.O. 1960,  
c. 130, s. 62,  
re-enacted

5. Section 62 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Fatal  
accidents;  
critical  
injuries

62. Where in a factory, shop, bakeshop, restaurant or office building a person is killed from any cause or is injured critically from any cause,

- (a) the employer shall forthwith notify an inspector by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send the chief inspector a written report of the circumstances of the occurrence; and

- (b) no person shall, except for the purposes of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1962-63*.

SECTION 4—Subsection 1. The off-work period is reduced from 6 to 3 days to bring it into line with *The Workmen's Compensation Act*. Secondly, the minimum fine is deleted and the maximum fine increased from \$30 to \$100.

Subsection 2. This new provision will be helpful to employers in reporting accidents.

SECTION 5. Self-explanatory. Clause *b* is new and is similar to provisions in other safety Acts.





An Act to amend The Factory, Shop and  
Office Building Act

---

*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

---

MR. ROWNTREE

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(Reprinted as amended by the  
Committee of Whole House)



# **BILL 75**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Factory, Shop and Office Building Act**

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**MR. ROWNTREE**

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BILL 75

1962-63

## An Act to amend The Factory, Shop and Office Building Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Factory, Shop and Office Building Act* R.S.O. 1960, c. 130, s. 4, repealed is repealed.

2. Subsections 1 and 2 of section 7 of *The Factory, Shop and Office Building Act* R.S.O. 1960, c. 130, s. 7, subs. 1, 2, repealed are repealed.

3. Subsection 5 of section 54 of *The Factory, Shop and Office Building Act* R.S.O. 1960, c. 130, s. 54, subs. 5, re-enacted is repealed and the following substituted therefor:

(5) No person shall be allowed to enter a tank, chamber, Dangerous fumes, etc., and extreme temperatures pit, pipe, flue or other confined space in which dangerous vapours, mists, fumes, dusts or extreme temperatures are liable to be present in a factory unless,

(a) such confined space has a manhole or other means of easy egress and has been thoroughly ventilated and tested to be safe for entry;

(b) such person is wearing suitable breathing apparatus and a safety harness to which there is securely attached a rope the free end of which is held by a person outside the confined space;

(c) there is conveniently available suitable reviving apparatus and a person trained in the operation thereof to the satisfaction of an inspector,

and such safety harness, rope and other apparatus shall be periodically inspected by the employer and maintained in good working order.

R.S.O. 1960,  
c. 130, s. 60,  
amended

4.—(1) Section 60 of *The Factory, Shop and Office Building Act* is amended by striking out "six" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "three" and by striking out "less than \$10 and not more than \$30" in the ninth line and inserting in lieu thereof "more than \$100", so that subsection 1 of the said section shall read as follows:

Notice of  
accident  
to be given  
to inspector

- (1) Where a fire, accident or industrial disease in a factory, shop, bakeshop, restaurant or office building occasions any bodily injury to a person employed therein whereby he is prevented from working for more than three days, a notice in the prescribed form shall be sent to the chief inspector by the employer forthwith after the expiration of such three days, and, if such notice is not so sent, the employer is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

R.S.O. 1960,  
c. 130, s. 60,  
amended

- (2) The said section 60 is further amended by adding thereto the following subsection:

Alternative  
notice

R.S.O. 1960,  
c. 437

- (2) A true copy of the notice mentioned in section 115 of *The Workmen's Compensation Act* may be sent in lieu of the prescribed form mentioned in subsection 1.

R.S.O. 1960,  
c. 130, s. 62,  
re-enacted

5. Section 62 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

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accidents;  
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injuries

62. Where in a factory, shop, bakeshop, restaurant or office building a person is killed from any cause or is injured critically from any cause,

- (a) the employer shall forthwith notify an inspector by telephone, telegram or other direct means of the occurrence, and shall, within forty-eight hours after the occurrence, send the chief inspector a written report of the circumstances of the occurrence; and

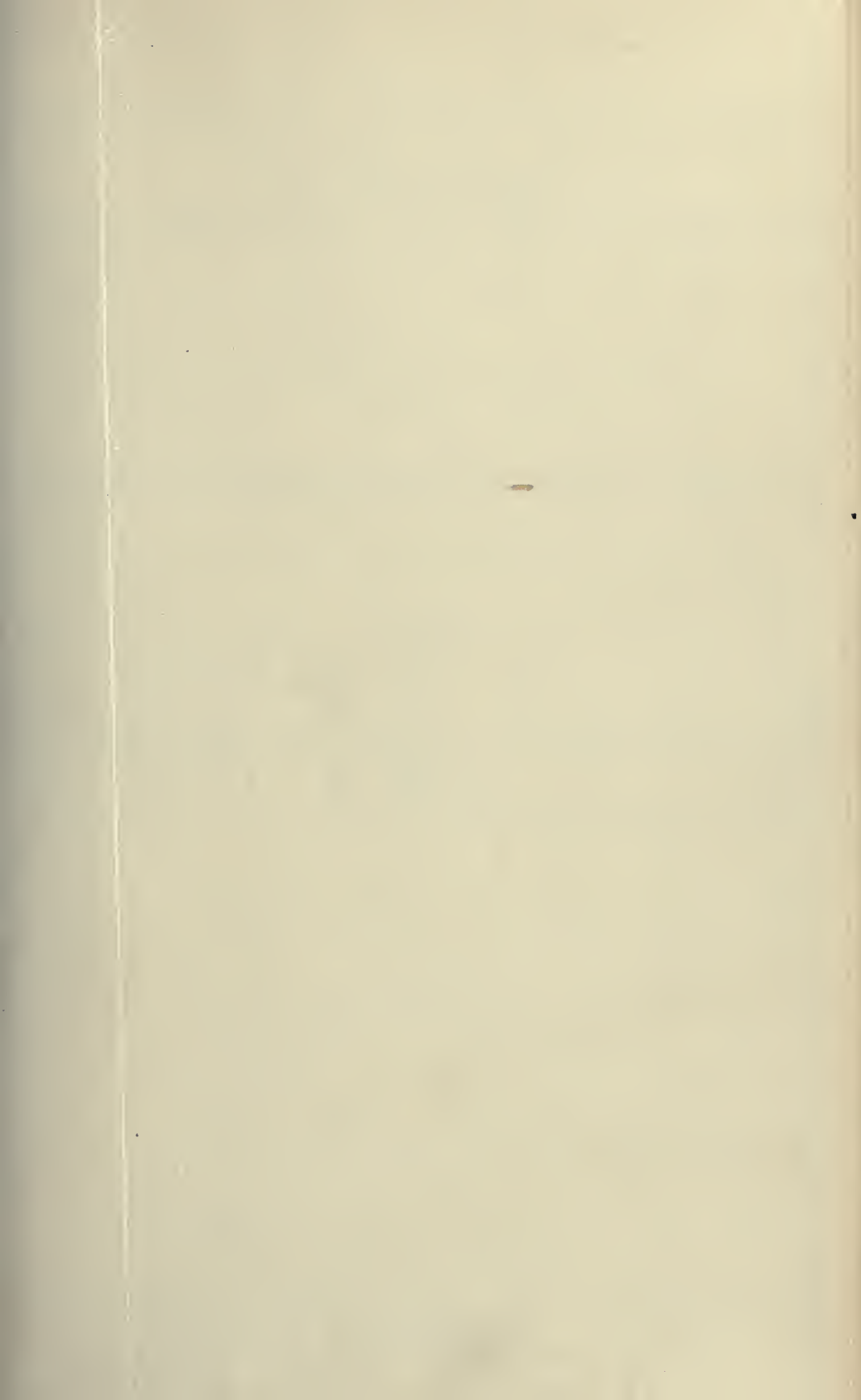
- (b) no person shall, except for the purposes of saving life or relieving human suffering, interfere with, disturb, destroy or carry away, or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1962-63*.





1847. The first of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1848. The second of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1849. The third of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1850. The fourth of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1851. The fifth of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1852. The sixth of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1853. The seventh of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1854. The eighth of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1855. The ninth of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.

1856. The tenth of the year was a very dry one, and the crops were much injured. The weather was very hot, and the crops were much injured. The weather was very hot, and the crops were much injured.



An Act to amend The Factory, Shop and  
Office Building Act

---

*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

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MR. ROWNTREE

---

# **BILL 76**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

---

## **An Act to amend The Construction Safety Act, 1961-62**

---

**MR. ROWNTREE**

---

THE SECRETARY OF THE INTERIOR  
DEPARTMENT OF THE INTERIOR

# EXPLANATORY NOTES

SECTION 1. The title of the Act is changed to reflect the expanded scope of the Act. See note to section 2 of the Bill.

SECTION 2. The scope of the Act is broadened to include buildings and other structures that are being moved, and trenches, streets, highways and wells.

SECTION 3. Self-explanatory.



BILL 76

1962-63

## An Act to amend The Construction Safety Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The Construction Safety Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 18,  
long title,  
re-enacted

An Act to provide for the Safety of Workmen during the Construction, Alteration, Repair, Demolition or Moving of Buildings and Other Types of Projects.

2. Clause *f* of section 1 of *The Construction Safety Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 18, s. 1,  
cl. *f*,  
re-amended

(*f*) "project" means,

- (i) a building or other structure that is being constructed, altered, repaired, demolished or moved,
- (ii) a trench as defined in *The Trench Excavators' Protection Act* that is being excavated, altered, repaired or back-filled, R.S.O. 1960,  
c. 407
- (iii) a street or highway that is being built, altered, repaired, demolished or moved,
- (iv) a well that is being dug, drilled, altered, repaired or back-filled,

and includes all appurtenances thereof.

3. Section 3 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection: 1961-62,  
c. 18, s. 3,  
amended

- (2) The Lieutenant Governor in Council may exempt any class of projects or any part of a project in any such class from this Act or the regulations or any provision of either of them. Additional  
exemptions

1961-62,  
c. 18, s. 4,  
cl. b,  
amended

4.—(1) Clause *b* of section 4 of *The Construction Safety Act, 1961-62* is amended by striking out “when requested” in the first line, so that the clause shall read as follows:

- (b) instruct, advise and assist municipal inspectors in the carrying out of their duties under this Act; and

. . . . .

1961-62,  
c. 18,  
s. 4, cl. c,  
re-enacted

(2) Clause *c* of the said section 4 is repealed and the following substituted therefor:

- (c) enforce this Act and the regulations,

(i) in territory without municipal organization, and

(ii) in every municipality that is in a territorial district and that has a population of 5,000 or less according to the last municipal census.

1961-62,  
c. 18, s. 5,  
subs. 1,  
cls. b, c,  
re-enacted

5. Clauses *b* and *c* of subsection 1 of section 5 of *The Construction Safety Act, 1961-62* are repealed and the following substituted therefor:

- (b) of every city, separated town and separated township;

(c) of every municipality that is in a territorial district and that has a population of more than 5,000 according to the last municipal census and that is not within clause *a* or *b*; and

. . . . .

1961-62,  
c. 18, s. 12,  
amended

6. Section 12 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection:

Experts

- (2) An inspector, in the carrying out of his duties under this Act, may be accompanied by any person who has special or expert knowledge of any matter in question.

1961-62,  
c. 18, s. 15,  
amended

7. Section 15 of *The Construction Safety Act, 1961-62* is amended by striking out “employer of workmen on a project and the workmen” in the first and second lines and inserting in lieu thereof “person” and by striking out “or their” in the second line, so that the section shall read as follows:

Obstructing

15. Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act.

SECTION 4—Subsection 1. Self-explanatory.

Subsection 2. Subclause ii is new. It extends the system of provincial inspection to small municipalities in the territorial districts.

SECTION 5. Clause *b* is re-enacted in order to bring separated townships within the scope of the Act.

Clause *c* is brought into line with the amendment effected by subsection 2 of section 4 of this Bill.

SECTION 6. This provision is new. It is self-explanatory.

SECTION 7. The scope of the section is broadened to assist in proper enforcement of the Act.

SECTION 8. This is new. It is self-explanatory.

SECTION 9. The new provision will require every municipal inspector to send a copy of his annual report to the Deputy Minister of Labour.

SECTION 10. This provision is new. It is self-explanatory.

SECTION 11—Subsection 1. A more appropriate word is substituted.

Subsection 2. This new provision will require the inspector receiving notice that a workman has been killed or critically injured on a project to notify the Deputy Minister of Labour of the occurrence.



8. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 18,  
amended

15a. Every municipality and every official who is responsible for granting permission to a person to commence work on a project shall, within seven days of the granting of the permission, notify the inspector appointed to enforce this Act at the project, Notice of  
building  
permits, etc.

(a) of the name and address of the person to whom the permission was granted;

(b) of the location and nature of the project; and

(c) of the estimated cost of the project.

9. Section 16 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection: 1961-62,  
c. 18, s. 16,  
amended

(2) Every municipal inspector who submits a report under subsection 1 shall forthwith send a copy thereof to the Deputy Minister. Copy of  
report to  
Deputy  
Minister

10. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 18,  
amended

19a. No person shall provide any machine, vehicle, tool or equipment, or any part thereof, for use by a person on a project under any rental, leasing or other arrangement if such machine, vehicle, tool, equipment or part is in an unsafe condition. Rented  
machine,  
etc., to  
be safe

11.—(1) Subsection 1 of section 20 of *The Construction Safety Act, 1961-62* is amended by striking out "seriously" in the second line and inserting in lieu thereof "critically", so that the subsection shall read as follows: 1961-62,  
c. 18,  
s. 20, subs. 1,  
amended

(1) Where a workman on a project is killed or is critically injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence. Fatal  
accidents

(2) The said section 20 is amended by adding thereto the following subsection: 1961-62,  
c. 18, s. 20,  
amended

(1a) Within twenty-four hours of the receipt of a notice under subsection 1, the inspector shall notify the Deputy Minister of the occurrence mentioned therein. Notice to  
Deputy  
Minister



1961-62,  
c. 18, s. 20,  
subs. 2,  
re-enacted

(3) Subsection 2 of the said section 20 is repealed and the following substituted therefor:

Disturbance  
of wreckage

(2) Where a person on a project is killed or is critically injured, no person shall, except for the purpose of,

(a) saving life or relieving human suffering; or

(b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Construction Safety Amendment Act, 1962-63*.

Subsection 3. Clause *b* is new.



1. The first of the following is a true statement.  
The second is a false statement.

1	2	3	4
1	1	1	1
1	1	1	1

An Act to amend  
The Construction Safety Act, 1961-62

---

*1st Reading*

March 7th, 1963

*2nd Reading*

*3rd Reading*

---

MR. ROWNTREE

---



## **BILL 76**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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**An Act to amend The Construction Safety Act, 1961-62**

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**MR. ROWNTREE**

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BILL 76

1962-63

**An Act to amend  
The Construction Safety Act, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The Construction Safety Act, 1961-62* <sup>1961-62,  
c. 18,  
long title,  
re-enacted</sup> is repealed and the following substituted therefor:

An Act to provide for the Safety of Workmen during the Construction, Alteration, Repair, Demolition or Moving of Buildings and Other Types of Projects.

2. Clause *f* of section 1 of *The Construction Safety Act, 1961-62* <sup>1961-62,  
c. 18, s. 1,  
cl. *f*,  
re-enacted</sup> is repealed and the following substituted therefor:

(f) "project" means,

- (i) a building or other structure that is being constructed, altered, repaired, demolished or moved,
- (ii) a trench as defined in *The Trench Excavators' Protection Act* <sup>R.S.O. 1960,  
c. 407</sup> that is being excavated, altered, repaired or back-filled,
- (iii) a street or highway that is being built, altered, repaired, demolished or moved,
- (iv) a well that is being dug, drilled, altered, repaired or back-filled,

and includes all appurtenances thereof.

3. Section 3 of *The Construction Safety Act, 1961-62* <sup>1961-62,  
c. 18, s. 3,  
amended</sup> is amended by adding thereto the following subsection:

- (2) The Lieutenant Governor in Council may exempt <sup>Additional  
exemptions</sup> any class of projects or any part of a project in any such class from this Act or the regulations or any provision of either of them.

1961-62,  
c. 18, s. 4,  
cl. b,  
amended

4.—(1) Clause *b* of section 4 of *The Construction Safety Act, 1961-62* is amended by striking out “when requested” in the first line, so that the clause shall read as follows:

(b) instruct, advise and assist municipal inspectors in the carrying out of their duties under this Act; and

. . . . .

1961-62,  
c. 18,  
s. 4, cl. c,  
re-enacted

(2) Clause *c* of the said section 4 is repealed and the following substituted therefor:

(c) enforce this Act and the regulations,

(i) in territory without municipal organization, and

(ii) in every municipality that is in a territorial district and that has a population of 5,000 or less according to the last municipal census.

1961-62,  
c. 18, s. 5,  
subs. 1,  
cls. b, c,  
re-enacted

5. Clauses *b* and *c* of subsection 1 of section 5 of *The Construction Safety Act, 1961-62* are repealed and the following substituted therefor:

(b) of every city, separated town and separated township;

(c) of every municipality that is in a territorial district and that has a population of more than 5,000 according to the last municipal census and that is not within clause *a* or *b*; and

. . . . .

1961-62,  
c. 18, s. 12,  
amended

6. Section 12 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection:

Experts

(2) An inspector, in the carrying out of his duties under this Act, may be accompanied by any person who has special or expert knowledge of any matter in question.

1961-62,  
c. 18, s. 15,  
amended

7. Section 15 of *The Construction Safety Act, 1961-62* is amended by striking out “employer of workmen on a project and the workmen” in the first and second lines and inserting in lieu thereof “person” and by striking out “or their” in the second line, so that the section shall read as follows:

Obstructing

15. Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act.



8. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 18,  
amended

15a. Every municipality and every official who is responsible for granting permission to a person to commence work on a project shall, within seven days of the granting of the permission, notify the inspector appointed to enforce this Act at the project, Notice of  
building  
permits, etc.

(a) of the name and address of the person to whom the permission was granted;

(b) of the location and nature of the project; and

(c) of the estimated cost of the project.

9. Section 16 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsection: 1961-62,  
c. 18, s. 16,  
amended

(2) Every municipal inspector who submits a report under subsection 1 shall forthwith send a copy thereof to the Deputy Minister. Copy of  
report to  
Deputy  
Minister

10. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 18,  
amended

19a. No person shall provide any machine, vehicle, tool or equipment, or any part thereof, for use by a person on a project under any rental, leasing or other arrangement if such machine, vehicle, tool, equipment or part is in an unsafe condition. Rented  
machine,  
etc., to  
be safe

11.—(1) Subsection 1 of section 20 of *The Construction Safety Act, 1961-62* is amended by striking out "seriously" in the second line and inserting in lieu thereof "critically", so that the subsection shall read as follows: 1961-62,  
c. 18,  
s. 20, subs. 1,  
amended

(1) Where a workman on a project is killed or is critically injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence. Fatal  
accidents

(2) The said section 20 is amended by adding thereto the following subsection: 1961-62,  
c. 18, s. 20,  
amended

(1a) Within twenty-four hours of the receipt of a notice under subsection 1, the inspector shall notify the Deputy Minister of the occurrence mentioned therein. Notice to  
Deputy  
Minister



1961-62,  
c. 18, s. 20,  
subs. 2,  
re-enacted

(3) Subsection 2 of the said section 20 is repealed and the following substituted therefor:

Disturbance  
of wreckage

(2) Where a person on a project is killed or is critically injured, no person shall, except for the purpose of,

(a) saving life or relieving human suffering; or

(b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Construction Safety Amendment Act, 1962-63*.



An Act to amend  
The Construction Safety Act, 1961-62

---

*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROWNTREE

---

## BILL 77

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

### An Act to amend The Department of Labour Act

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MR. ROWNTREE

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AN ACT TO AMEND THE EXPLANATORY NOTES OF THE CONSTRUCTION SAFETY ACT

# EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment will enable safety regulations to be made with respect to all classes of caisson work.

Subsection 2. The words deleted are superfluous as crib work is now dealt with under *The Construction Safety Act, 1961-62*.

Subsection 3. Self-explanatory.

Subsections 4, 5 and 6. The word "respecting" is substituted as being more appropriate.



BILL 77

1962-63

## An Act to amend The Department of Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 10 of *The Department of Labour Act* is amended by striking out "open caisson work" in the first line and inserting in lieu thereof "caissons", amended so that the clause shall read as follows: R.S.O. 1960,  
c. 97, s. 10,  
subs. 1,  
cl. b,  
amended

(b) in the construction of tunnels and caissons.

(2) Clause *c* of subsection 1 of the said section 10 is amended by striking out "and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life" in the first, second and third lines, so that the clause shall read as follows: R.S.O. 1960,  
c. 97, s. 10,  
subs. 1,  
amended

(c) in the construction of coffer dams.

(3) Subsection 1 of the said section 10 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 97, s. 10,  
subs. 1,  
amended

(d) excluding any class of work from the application of any or all of the regulations made under this subsection.

(4) Clause *b* of subsection 2 of the said section 10 is amended by striking out "regulating" in the first line and inserting in lieu thereof "respecting", so that the clause shall read as follows: R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. b,  
amended

(b) respecting the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation or any class of them.

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. f,  
amended

(5) Clause *f* of subsection 2 of the said section 10 is amended by striking out "requiring and prescribing" in the first line and inserting in lieu thereof "respecting", so that the clause shall read as follows:

(f) respecting the medical examination of persons who have or may come in contact with ionizing radiation, prescribing by whom the cost of the examination is to be borne, and requiring a report of the examination to a designated person.

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. j,  
amended

(6) Clause *j* of subsection 2 of the said section 10 is amended by striking out "regulating or prohibiting" in the first and second lines and inserting in lieu thereof "respecting", so that the clause shall read as follows:

(j) designating classes of persons and respecting the employment of any person or class of persons in the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation, or in the vicinity of sources of ionizing radiation.

R.S.O. 1960,  
c. 97, s. 11,  
re-enacted

2. Section 11 of *The Department of Labour Act* is repealed and the following substituted therefor:

Stop-work  
orders

11.—(1) Where an inspector is of the opinion that any work on any undertaking or any part thereof to which any Act or regulation administered by the Department applies is being done in a manner or under conditions that are dangerous to life or property, he may, by written order to any person responsible for or in charge of the work, require the immediate cessation of the work or any part thereof that he considers dangerous.

Idem

(2) Where an inspector has made an order under subsection 1, he may permit such work as may be done safely and that is necessary to eliminate the dangerous condition.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Department of Labour Amendment Act, 1962-63*.

**SECTION 2.** The intent of the section is clarified.







An Act to amend  
The Department of Labour Act

---

*1st Reading*

March 7th, 1963

*2nd Reading*

*3rd Reading*

---

MR. ROWNTREE

---

# **BILL 77**

---

4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

---

## **An Act to amend The Department of Labour Act**

---

MR. ROWNTREE

---

THE HOUSE OF REPRESENTATIVES  
 COMMITTEE ON THE JUDICIARY

AND TO AMEND THE DEPARTMENT OF JUSTICE

IN SENATE

BILL 77

1962-63

## An Act to amend The Department of Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 10 of *The Department of Labour Act* is amended by striking out "open caisson work" in the first line and inserting in lieu thereof "caissons", so that the clause shall read as follows:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 1,  
cl. b,  
amended

(b) in the construction of tunnels and caissons.

(2) Clause *c* of subsection 1 of the said section 10 is amended by striking out "and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life" in the first, second and third lines, so that the clause shall read as follows:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 1, cl. c,  
amended

(c) in the construction of coffer dams.

(3) Subsection 1 of the said section 10 is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 1,  
amended

(d) excluding any class of work from the application of any or all of the regulations made under this subsection.

(4) Clause *b* of subsection 2 of the said section 10 is amended by striking out "regulating" in the first line and inserting in lieu thereof "respecting", so that the clause shall read as follows:

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. b,  
amended

(b) respecting the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation or any class of them.

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. f,  
amended

(5) Clause *f* of subsection 2 of the said section 10 is amended by striking out "requiring and prescribing" in the first line and inserting in lieu thereof "respecting", so that the clause shall read as follows:

- (f) respecting the medical examination of persons who have or may come in contact with ionizing radiation, prescribing by whom the cost of the examination is to be borne, and requiring a report of the examination to a designated person.

R.S.O. 1960,  
c. 97, s. 10,  
subs. 2, cl. j,  
amended

(6) Clause *j* of subsection 2 of the said section 10 is amended by striking out "regulating or prohibiting" in the first and second lines and inserting in lieu thereof "respecting", so that the clause shall read as follows:

- (j) designating classes of persons and respecting the employment of any person or class of persons in the processing, installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation, or in the vicinity of sources of ionizing radiation.

R.S.O. 1960,  
c. 97, s. 11,  
re-enacted

**2.** Section 11 of *The Department of Labour Act* is repealed and the following substituted therefor:

Stop-work  
orders

- 11.—(1) Where an inspector is of the opinion that any work on any undertaking or any part thereof to which any Act or regulation administered by the Department applies is being done in a manner or under conditions that are dangerous to life or property, he may, by written order to any person responsible for or in charge of the work, require the immediate cessation of the work or any part thereof that he considers dangerous.

Idem

- (2) Where an inspector has made an order under subsection 1, he may permit such work as may be done safely and that is necessary to eliminate the dangerous condition.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Department of Labour Amendment Act, 1962-63*.









An Act to amend  
The Department of Labour Act

---

*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

---

MR. ROWNTREE

---

# **BILL 78**

---

**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Mining Act**

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**MR. WARDROPE**

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THE MINING ACT, 1906, AS AMENDED  
BY THE MINING ACT, 1907

EXPLANATORY NOTES

SECTION 1. Crown is defined for the purposes of the Act.

SECTION 2. The amendment deletes a provision that is concerned with applications for mining lands made prior to the 14th day of May, 1906, and that has become obsolete.

SECTION 3. The amendment removes the references to Provincial Geologist and Provincial Assayer. These titles are no longer in use.

## BILL 78

1962-63

## An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 241, s. 1,  
amended

2a. "Crown" means Crown in right of Ontario.

(2) Paragraph 8 of the said section 1 is amended by adding at the end thereof "and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 241, s. 1,  
para. 8,  
amended

8. "inspector" includes "engineer", as defined in clause *b* of subsection 1 of section 161, and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry.

2. Subsection 2 of section 2 of *The Mining Act* is repealed. R.S.O. 1960,  
c. 241, s. 2,  
subs. 2,  
repealed

3.—(1) Subsection 1 of section 8 of *The Mining Act* is amended by striking out "a Provincial Geologist, a Provincial Assayer, one or more inspectors, and such other" in the second and third lines and inserting in lieu thereof "such", so that the subsection shall read as follows: R.S.O. 1960,  
c. 241, s. 8,  
subs. 1,  
amended

(1) The Lieutenant Governor in Council may appoint such officers and agents as he deems necessary, who shall be officers of the Department and shall perform such duties as are assigned to them by this Act or by the regulations. Officers  
and agents,  
appointment

(2) Subsection 2 of the said section 8 is repealed.

R.S.O. 1960,  
c. 241, s. 8,  
subs. 2,  
repealed

R.S.O. 1960,  
c. 241, s. 14,  
subs. 1,  
amended

4. Subsection 1 of section 14 of *The Mining Act* is amended by striking out "Crown" in the third line and inserting in lieu thereof "mining" and by inserting after "claims" in the fourth line "situate in Ontario", so that the subsection shall read as follows:

Officers not  
to be  
interested  
in mining  
lands or  
claims  
situate in  
Ontario

- (1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any mining lands, mining rights or mining claims situate in Ontario, and any such purchase or interest is void.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 1,  
amended

5.—(1) Subsection 1 of section 16 of *The Mining Act* is amended by striking out "the Provincial Geologist, the Provincial Assayer, or an inspector, recorder or other officer" in the third and fourth lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Certain  
officers not  
to be sub-  
poenaed  
without  
order or  
direction

- (1) A subpoena shall not issue out of any court requiring the attendance of the Deputy Minister, the Commissioner or any officer or agent of the Department, or the production of any document in the official custody or possession of any of them, without an order of the court or a judge thereof or, in matters before the Commissioner, without a direction of the Commissioner.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 2,  
amended

(2) Subsection 2 of the said section 16 is amended by striking out "the Provincial Geologist, the Provincial Assayer, and an inspector, recorder or other officer" in the first, second and third lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Privilege as  
to official  
information

- (2) The Deputy Minister, the Commissioner or any officer or agent of the Department is not bound to disclose any information obtained by him in his official capacity that a member of the Executive Council certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged, and all such information is privileged.

R.S.O. 1960,  
c. 241, s. 20,  
re-enacted

6. Section 20 of *The Mining Act* is repealed and the following substituted therefor:

Certain  
documents  
filed in  
recorder's  
office

- 20.—(1) Except as in this Act otherwise provided, the recorder's office is the proper office for filing and recording all applications, documents and other

SECTION 4. The intent is clarified.

SECTION 5. The amendment is complementary to section 3 of this Bill.

SECTION 6. The section is re-enacted in order to facilitate administration.



SECTION 7. An incorrect reference is corrected.

SECTION 8. The existing practice is made statutory.



instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest that may be acquired under this Act respecting an unpatented mining claim, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but, after patent, *The Land Titles Act* or *The Registry Act*, as the case may be, applies. R.S.O. 1960,  
cc. 204, 348

- (2) Except as in this Act otherwise provided, the Minister's office is the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any mining licence of occupation or any right, privilege or interest that may be acquired under this Act respecting a mining licence of occupation, or affecting any grant under this Act or the regulations that is not a grant that may be registered under *The Land Titles Act* or *The Registry Act* or affecting any right, privilege or interest that may be acquired under this Act respecting such a grant, and the Minister may authorize an officer or officers to receive, scrutinize, approve and record any such applications, documents and other instruments. Certain documents  
filed in  
Minister's  
office

7. Clause *b* of subsection 8 of section 24 of *The Mining Act* is amended by striking out "X" in the third line and inserting "IX", so that the clause shall read as follows: R.S.O. 1960,  
c. 241,  
s. 24, subs. 8,  
cl. b,  
amended

- (b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act*; R.S.O. 1960,  
c. 71  
or

8. Subsection 1 of section 28 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 28,  
subs. 1,  
re-enacted

- (1) If a miner's licence is accidentally destroyed or lost, the holder may, Accidental  
destruction  
or loss of  
licence
- (a) upon proof by statutory declaration that the original has been destroyed or lost and setting out the circumstances thereof; and
- (b) upon payment of the prescribed fee,

obtain a duplicate thereof from the office of the Minister, Deputy Minister or any recorder.

R.S.O. 1960,  
c. 241, s. 37,  
cls. b, c,  
re-enacted

9. Clauses *b* and *c* of section 37 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 324

(b) for which a *bona fide* application is pending in the Department of Lands and Forests under *The Public Lands Act*, or otherwise, and the applicant may acquire the minerals; or

(c) where the surface rights have been subdivided, surveyed, sold or otherwise disposed of by the Department of Lands and Forests for summer resort purposes, except where the Minister of Mines certifies in writing that in his opinion discovery of valuable mineral in place has been made; or

R.S.O. 1960,  
c. 241, s. 39,  
subs. 1,  
amended

10.—(1) Subsection 1 of section 39 of *The Mining Act* is amended by inserting after “lessee” in the tenth line “purchaser”, so that the subsection shall read as follows:

Lands used  
or occupied  
as gardens,  
etc.

(1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person or company shall prospect for minerals or stake out a mining claim upon the part of a lot that is used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such prospecting are growing, or on the part of a lot upon which is situated a spring, artificial reservoir, dam or waterworks, or a dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee, purchaser or locatee of the surface rights, or by order of the recorder or the Commissioner, and upon such terms as to him seem just.

R.S.O. 1960,  
c. 241, s. 39,  
subs. 2,  
amended

(2) Subsection 2 of the said section 39 is amended by inserting after “lessee” in the second line “purchaser”, so that the subsection shall read as follows:

Disputes as  
to lands  
exempt

(2) If a dispute arises between the intending prospector and the owner, lessee, purchaser or locatee as to land that is exempt from prospecting or staking out under subsection 1, the recorder or the Commissioner shall determine the extent of the land that is so exempt.

R.S.O. 1960,  
c. 241, s. 47,  
subs. 1,  
amended

11.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by adding at the commencement thereof “Except as provided in section 100*b*”, so that the subsection shall read as follows:

SECTION 9. The intent of the provision is clarified and brought into line with existing practice.

SECTION 10. The amendment is for purposes of clarification.

SECTION 11—Subsection 1. The amendment is for purposes of clarification.

Subsection 2. The amendment modifies a procedure for cancelling leases.

Subsection 3. The new subsection 7 is complementary to subsection 1. The new subsections 8 and 9 are designed to permit the holder of a lease of mining land in a provincial forest issued under section 47 of the Act to be issued a lease under the new section 100a of the Act. See note to section 28 of this Bill.

SECTION 12—Subsection 1. The new subsections 4a and 4b, which implement one of the recommendations of The Public Lands Investigation Committee, 1959, provide for the retention by the Crown of valuable surface rights along highways.



- (1) Except as provided in section 100*b*, mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year. Mining lands in provincial forest not to be sold
- (2) Subsection 5 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 47, subs. 5, re-enacted
- (5) Where a lease has not been renewed under subsection 2 or has been terminated under subsection 4, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the land included in such lease is revested in the Crown freed and discharged from every claim. Notice of termination of lease
- (3) The said section 47 is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 47, amended
- (7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar shall note that fact in his register in red ink. R.S.O. 1960, cc. 204, 348, not to apply to forfeited lands
- (8) Subject to subsection 1 of section 100*a*, this section applies only to leases for which application is made on or before the 1st day of September, 1963. Application
- (9) The holder of a lease to which this section applies may, upon application in writing therefor and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section. Lessee may be issued lease under s. 100*a*

**12.—**(1) Section 52 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 52, amended



Crown  
reservation

- (4a) Where a claim is traversed by a highway or road constructed or maintained by the Department of Highways, there may be reserved for the Crown the surface rights not exceeding 300 feet in width along both sides of the highway or road, such reservation to be measured from the outside limits of the right of way of the highway or road.

Application  
of Crown  
reservation  
to un-  
patented  
mining  
claims

- (4b) The reservations of surface rights authorized by subsections 4 and 4a shall be deemed to apply to and to have been made on all unpatented mining claims unless such reservation or reservations are waived by the Minister.

R.S.O. 1960,  
c. 241, s. 52,  
subs. 7, 8,  
re-enacted

- (2) Subsections 7 and 8 of the said section 52 are repealed and the following substituted therefor:

Application  
of s. 47,  
subs. 2-9

- (7) Subsections 2, 3, 4, 5, 6, 7, 8 and 9 of section 47 apply *mutatis mutandis* to such leases.

Termination  
of licence of  
occupation

- (8) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims of the licensee, his successors or assigns, in or to the lands covered by the licence, cease, but the lands or mining rights contained therein are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, at least two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241, s. 52,  
amended

- (3) The said section 52 is further amended by adding thereto the following subsection:

Consent to  
transfer of  
licence

- (10) A licence or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him.

R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. b,  
amended

- 13.**—(1) Clause *b* of subsection 1 of section 55 of *The Mining Act* is amended by striking out "placing" in the first line and inserting in lieu thereof "otherwise inscribing", so that the clause shall read as follows:

- (b) by writing or otherwise inscribing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number.

Subsection 2. The new subsection 7 is complementary to section 28 of this Bill. The new subsection 8 is designed to clarify procedure.

Subsection 3. The new subsection 10 clarifies the intent of the provision.

SECTION 13—Subsections 1 and 2. The amendments are for purposes of clarification.

Subsection 3. The purpose of the amendment is to ensure that the writing on claim posts is that of the staker.

SECTION 14. The intent is clarified.

SECTION 15. The amendment reflects the existing practice.

SECTION 16. The amendment is complementary to subsection 2 of section 33 of this Bill.

(2) Clause *c* of subsection 1 of the said section 55 is amended by striking out "placing" in the first line and inserting in lieu thereof "otherwise inscribing", so that the clause shall read as follows: R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. *c*,  
amended

- (*c*) by writing or otherwise inscribing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

(3) The said section 55 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 55,  
amended

- (6) Notwithstanding section 58, the writing or inscribing required on the posts by clauses *b* and *c* of subsection 1 shall be done, at the time that the posts are erected, by the licensee staking out the mining claim. Writing done  
by licensee  
at time of  
erection  
of posts

14. Subsection 7 of section 62 of *The Mining Act* is amended by inserting after "section 92" in the fourth line "or by the recorder under section 86", so that the subsection shall read as follows: R.S.O. 1960,  
c. 241, s. 62,  
subs. 7,  
amended

- (7) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as is authorized by the Commissioner under section 92 or by the recorder under section 86, the recorder shall cancel the claim and shall by registered letter mailed not later than the next day notify the holder thereof of his action and the reason therefor. Cancellation  
of claim  
where metal  
tags not  
affixed

15. Section 64 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 64,  
amended

- (6) Where the prescribed fee has been paid for filing a dispute under subsection 1, such fee shall be deemed to include the fee for filing any order or orders settling the dispute. Fee includes  
fee for filing  
order

16. Section 65 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 65,  
amended

- (2) Where a claim forms part of a group of claims that have been included in a perimeter survey as provided in subsection 3 of section 109, the recorder shall not issue a certificate of record unless application is made for patent or lease and the price or rental has been paid. Certificate  
of record  
where claim  
included in  
perimeter  
survey



R.S.O. 1960,  
c. 241,  
amended

**17.** *The Mining Act* is amended by adding thereto the following section:

Surface  
rights on  
unpatented  
mining  
claim

68a.—(1) Except as in this Act otherwise provided, the holder of an unpatented mining claim has the right prior to any subsequent right to the user of the surface rights for prospecting and the efficient exploration, development and operation of the mines, minerals and mining rights.

Disposition  
of surface  
rights

R.S.O. 1960,  
c. 324

(2) Where the holder of an unpatented mining claim consents to the disposition of surface rights under *The Public Lands Act*, the recorder shall make an entry on the record of the claim respecting the consent, and thereupon the surface rights may be dealt with as provided in *The Public Lands Act*.

Survey of  
surface  
rights

(3) Where the holder of an unpatented mining claim consents to the disposition of surface rights under subsection 2, the Minister may require a survey of such surface rights, and the survey shall be provided at the expense of the person who has acquired the surface rights.

Where  
holder does  
not consent  
to disposition  
of surface  
rights

(4) Where an application is made for disposition under *The Public Lands Act* of surface rights on an unpatented mining claim and the holder of the unpatented mining claim does not consent to the disposition and provision for the reservation or exclusion of the surface rights is not otherwise provided for in this Act or any other Act, the Minister may refer the application to the Commissioner.

Where  
application  
referred to  
Commis-  
sioner

(5) Where an application under subsection 4 is referred to the Commissioner, he shall, upon giving all interested persons at least ninety days notice and after hearing such interested persons as appear, make an order based on the merits of the application.

R.S.O. 1960,  
c. 241, s. 69,  
subs. 1,  
amended

**18.** Subsection 1 of section 69 of *The Mining Act* is amended by striking out "Provincial Assayer" in the sixth line and inserting in lieu thereof "Chief, Laboratory Branch, Department of Mines", so that the subsection shall read as follows:

Free  
assays

(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Chief,



SECTION 17. This new section, which implements one of the recommendations of The Public Lands Investigation Committee, 1959, provides procedures for dealing with surface rights on unpatented mining claims.

SECTION 18. The amendment is complementary to section 3 of this Bill.

SECTION 19. The section as re-enacted replaces and clarifies the intent of sections 70 and 673 of the Act. See note to section 48 of this Bill.

SECTION 20. The section is re-enacted in order to provide a more workable method of dealing with cases where mining claims are alleged to have been staked for improper purposes.

Laboratory Branch, Department of Mines, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year.

**19.** Section 70 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 70,  
re-enacted

70.—(1) Where the holder, licensee, lessee or owner of a mining claim, mining lands or mining rights abandons <sup>Where claim, lands or rights</sup> or surrenders the claim, lands or rights or where the <sup>abandoned, etc.</sup> mining claim, mining lands or mining rights are cancelled or forfeited under this Act or any other Act or the regulations thereunder, he may take from the claim, lands or rights any buildings, structures, machinery, chattels, personal property and, except in the case of an unpatented mining claim, any ore or mineral he has extracted therefrom belonging to him and any slimes or tailings not otherwise owned, within six months after the abandonment, surrender, cancellation or forfeiture or within such further time as is fixed by the Commissioner, and, in default of so doing, all such buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings belong to the Crown and may be sold or otherwise disposed of by the Minister upon such terms and conditions as he deems expedient.

(2) The staking or recording of a mining claim does not confer upon the licensee any right respecting buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings acquired by the Crown under subsection 1. Licensee has no rights in buildings, etc., acquired by Crown

**20.** Section 72 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 72,  
re-enacted

72.—(1) Where land is staked out and applied for as a mining claim and it appears that the land is being <sup>Improper use of</sup> used other than as mining land or for a purpose other than that of the mineral industry, the Minister may direct the Commissioner to hold a hearing.

(2) Where, upon notice to all persons interested and after hearing such of them as appear, the Commissioner is satisfied that the land is being used other than as mining land or for a purpose other than that of the mineral industry, he may make an order cancelling the claim, and, on the filing of the order Cancellation of claim

with the recorder for the mining division in which the land is situate, the claim is cancelled and annulled, and the land may be dealt with as provided in this Act.

R.S.O. 1960,  
c. 241, s. 76,  
subs. 1,  
amended

**21.** Subsection 1 of section 76 of *The Mining Act* is amended by striking out "in the name of" in the fourth and fifth lines and inserting in lieu thereof "by" and by striking out "or in whose name" in the seventh and eighth lines, so that the subsection shall read as follows:

Agreements  
and  
transfers  
necessary  
in writing

- (1) No person is entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done by another person unless the fact that the first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom the staking out or recording was done or the evidence of the first-mentioned person is corroborated by some other material evidence, and, where a right or interest is so made to appear, *The Statute of Frauds* does not apply.

R.S.O. 1960,  
c. 381

**22.** Section 81 of *The Mining Act* is amended by adding thereto the following subsections:

Transfer,  
etc., deemed  
to be  
recorded  
when  
received in  
office of  
recorder

- (2) Any transfer or other instrument proper to be recorded shall, if all requirements for recording have been met, be deemed to have been recorded at the time that it was received in the office of the recorder, notwithstanding that such transfer or other instrument may not have been immediately entered in the record book.

Filing  
after the  
prescribed  
time

- (3) Where a document is required to be filed with or a fee is required to be paid to a recorder and the document or fee is sent by mail and is received in the office of the recorder after the prescribed time, the recorder may accept the document or fee upon evidence that it was mailed within the prescribed time and that there is no adverse interest.

R.S.O. 1960,  
c. 241, s. 82,  
amended

**23.** Section 82 of *The Mining Act* is amended by adding thereto the following subsection:

Fee for  
filing  
certificate  
includes fee  
for filing  
order

- (10) Where the prescribed fee has been paid for filing a certificate under subsection 2, the fee shall be deemed to include the fee for filing any order or orders made by the Commissioner in the proceeding.



SECTION 21. The intent of the provision is clarified.

SECTION 22. The amendments reflect the existing practice.

SECTION 23. The amendment reflects the existing practice.



SECTION 24. The section is re-enacted in order to provide a more certain method of computing time for performance of working conditions.

SECTION 25. The significance of the 14th day of May, 1906, in regard to mining claims is no longer relevant, and the subsection is therefore repealed.

SECTION 26—Subsection 1. The intent is clarified.

Subsection 2. The amendment provides for the granting of an extension of the time for affixing metal tags to claim posts after the due date for affixing the metal tags has expired.

**24.** Section 85 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 85,  
re-enacted

85.—(1) In computing the time within which work upon a mining claim is required to be performed, Computing  
time for the  
performance  
of work  
conditions

(a) all time which by an order in council or regulation is excluded;

(b) if a permit under *The Forest Fires Prevention Act*, which is necessary for the beginning or carrying on of the work under this Act, is refused or the performance of such work is prohibited under that Act, the time during which such refusal or prohibition subsists, if the holder provides the recorder with satisfactory evidence of such prohibition; R.S.O. 1960,  
c. 152

(c) time during which proceedings concerning the claim are pending, where the Commissioner or recorder is satisfied that any delay in settling the matter is not the fault of the holder,

shall be excluded.

(2) Where time is excluded under subsection 1, the Commissioner may make an order prescribing the date or dates by which the next or any subsequent periods of work shall be performed and reported. Order by  
Commis-  
sioner

**25.** Subsection 2 of section 87 of *The Mining Act* is repealed. R.S.O. 1960,  
c. 241, s. 87,  
subs. 2,  
repealed

**26.**—(1) Subsection 1 of section 92 of *The Mining Act* is amended by inserting after "under" in the first line "sub-section 7 of section 62 or", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 241, s. 92,  
subs. 1,  
amended

(1) Where forfeiture or loss of rights occurs under sub-section 7 of section 62 or subsection 1 of section 91 and, Relief  
against  
forfeiture

. . . . .

(2) Subsection 1 of the said section 92 is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 241, s. 92,  
subs. 1,  
amended

(e) where the metal tags have not been affixed to the corner posts of the claim within the time prescribed in subsection 5 of section 62, the Commissioner may make an order, upon such terms as he considers just, relieving the claim from forfeiture and granting an

extension of the time for affixing the metal tags to the corner posts, but only one such extension shall be granted, and, where the Commissioner extends the time for affixing metal tags beyond the first anniversary of the date of recording of the claim, the holder of the claim shall pay to the recorder, in addition to the fee prescribed in the Schedule, a fee of \$5 a claim for each year or part of a year of the extension beyond the anniversary date.

R.S.O. 1960,  
c. 241, s. 92,  
amended

(3) The said section 92 is amended by adding thereto the following subsections:

Filing of  
relief from  
forfeiture  
order

(9) Notwithstanding subsection 7, an order made by the Commissioner under clause *a* of subsection 1 may be filed in the office of any recorder, but such order does not come into force until it is so filed and until the prescribed fees are paid.

No fee for  
special  
renewal of  
licence under  
s. 27, subs. 5

(10) Notwithstanding clause *a* of subsection 1, no fee is payable for a special renewal of a licence issued under subsection 5 of section 27.

R.S.O. 1960,  
c. 241, s. 100,  
subs. 5,  
re-enacted

**27.** Subsection 5 of section 100 of *The Mining Act* is repealed and the following substituted therefor:

Application  
of s. 47,  
subss. 3-7

(5) Subsections 3, 4, 5, 6 and 7 of section 47 apply *mutatis mutandis* to leases and renewals thereof under subsections 3 and 4.

Application

(6) Subject to subsection 1 of section 100*a*, this section applies only to patents and leases for which application is made on or before the 1st day of September, 1963.

Lease under  
s. 100*a*

(7) The holder of a lease to which this section applies may, upon application therefor in writing and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section.

R.S.O. 1960,  
c. 241,  
amended

**28.** *The Mining Act* is amended by adding thereto the following sections:

Application

100*a*.—(1) This section,

(*a*) may, at the election of the applicant, apply to a lease applied for on or before the 1st day of September, 1963; and

Subsection 3. The amendments reflect the existing practice.

SECTION 27. The re-enactment of subsection 5 is complementary to subsection 1 of section 11 of this Bill.

The new subsections 6 and 7 are designed to permit the holder of a lease under section 100 of the Act to be issued a lease under the new section 100*a* of the Act. Complementary to sections 11 and 28 of this Bill.

SECTION 28. Sections 100*a*, 100*b*, 100*c* and 100*d* are new. They implement recommendations of The Public Lands Investigation Committee, 1959.

Section 100*a* provides a new method of issuing leases of mining claims under the Act.





- (b) shall apply to a lease applied for after the 1st day of September, 1963.
- (2) Upon compliance with this Act and upon payment of the rent for the first year, the holder of a mining claim is entitled to a lease of the claim. Right to lease of claim
  - (3) The application and payment for a lease shall be made to the recorder within one year from the date upon which all work on a mining claim is required to be performed, and the application shall be accompanied by a certificate of record as provided in section 65 and a certificate of the complete performance of working conditions as provided in subsection 4 of section 83. Application for lease
  - (4) A lease under this section shall be for a term of twenty-one years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year. Term of lease
  - (5) The holder of a mining claim may elect to apply for a lease of the mining rights only. Lease of mining rights
  - (6) Where a lease under this section is for the mining rights only, the rental is \$1 an acre for the first year and 10 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$4 for each subsequent year. Rental
  - (7) Where the surface rights on part of a claim are excluded in a lease under this section, the rental prescribed in subsection 4 applies to the part of the claim including the surface rights, and the rental prescribed in subsection 6 applies to the part of the claim excluding the surface rights, but the total rental shall not be less than the minimum rental prescribed in subsection 4. Rental where surface rights on part of claim excluded
  - (8) Subject to subsections 10, 11 and 12, every lease under this section may be renewed for further terms of twenty-one years, and the renewal shall be dated from the day following the expiration of the lease or the last renewal thereof, but application for renewal shall be made within ninety days of the expiry of the lease or last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper. Lease renewable

Rental for renewed lease

- (9) The rentals and minimum rentals prescribed for years subsequent to the first year in subsections 4, 6 and 7 apply to the first and subsequent years of renewal leases.

Minister may refuse to renew lease

- (10) The Minister may refuse to renew a lease issued under this section or may require the applicant to show cause why a renewal should be granted.

Application referred to Commissioner

- (11) The Minister may refer an application for renewal of a lease to the Commissioner, who shall, upon notice to all interested persons and after hearing such of them as appear, report to the Minister thereon with his recommendations.

Termination of lease for arrears of rent

- (12) Where payment of the rental under any such lease is in arrears for two years or more, the lease may be terminated by an instrument in writing.

Notice of termination of lease

- (13) Where application for renewal of a lease is not made within the time prescribed by subsection 8 or where a renewal of a lease is refused under subsection 10 or where a lease has been terminated under subsection 12, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the lands included in such lease are revested in the Crown freed and discharged from every claim.

Registration of notice of termination  
H.S.O. 1960,  
cc. 204, 348

- (14) Upon registration of the notice in the proper land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar of the registration division shall note that fact in his register in red ink.

Lands vested in Crown on termination of lease

- (15) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out or leasing until re-opened by the Lieutenant Governor in Council.



Section 100*b* introduces what will eventually be the only way in which fee simple title to mining lands can be obtained.

Section 100*c* provides a lessee or owner of mining rights, or the holder of a mining licence of occupation, with a method of obtaining a lease of surface rights lying within or outside the lands for which he has a lease, patent or mining licence of occupation.



- (16) A lease or renewal thereof or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him. Transfer of lease or renewal
- (17) Any surface rights reserved in a lease or renewal thereof may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder. Disposition of surface rights reserved in a lease or renewal  
R.S.O. 1960, c. 324
- 100b.—(1) Subject to subsection 3, where a holder of a lease issued under section 47, 100 or 100a produces evidence, satisfactory to the Minister, that he is producing mineral in substantial quantities and production has been continuous for more than one year, he is entitled, upon application in writing therefor and upon the surrender of his lease, to a patent of the lands or mining rights held under lease. Right to patent
- (2) Application for a patent shall be in the prescribed form and shall be accompanied by the purchase price at the rate of \$10 an acre for both surface and mining rights or \$5 an acre for the mining rights only, as the case may be. Application for patent
- (3) Where land consists of land under navigable water, a patent shall not be granted, but, upon application therefor in writing and upon the surrender of his lease, the lessee is entitled to a new lease renewable in perpetuity for periods of twenty-one years, and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper. Lease of land under navigable water
- (4) The rental for a lease or renewal lease under subsection 3 shall be as prescribed in subsection 9 of section 100a. Rental
- (5) Subsections 12, 13, 14, 15 and 16 of section 100a apply *mutatis mutandis* to leases and renewals thereof under this section. Application of sec. 100a
- 100c.—(1) Where the lessee or owner of mining rights, or the holder of a mining licence of occupation, requires the use of surface rights lying within or outside the Lease of surface rights



limits of lands for which he has a lease, patent or licence of occupation for the mining rights for the disposal of tailings or waste material or for the erection of a shaft or buildings for mining or mining purposes, or for any other purpose essential to mining or mining exploration, the Minister may lease to him any available surface rights.

Application  
for lease of  
surface  
rights

- (2) Application for a lease of surface rights shall be made in writing to the Minister in the prescribed form, and the applicant shall furnish such particulars as the Minister requires, including,

- (a) a statement of the particular purposes for which the surface rights are to be used;
- (b) an adequate description and plan or sketch of the area applied for;
- (c) the first year's rental; and
- (d) proof of ownership, or, in the case of a licence of occupation, proof that the applicant is the holder of the licence of occupation, of the mining lands or mining rights that are the basis of the application.

Survey

- (3) The Minister may require the applicant to furnish a survey by an Ontario land surveyor, and the cost of the survey shall be borne by the applicant.

Rental

- (4) The annual rental of a lease or renewal under this section is \$1 an acre, payable in advance.

Term of  
lease

- (5) A lease issued under this section shall be for a term of twenty-one years, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the term shall be coterminous with the mining lease.

Application  
of s. 100a,  
subss. 8,  
10-16

- (6) Subsections 8, 10, 11, 12, 13, 14, 15 and 16 of section 100a apply *mutatis mutandis* to leases issued under this section, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the renewal term shall be coterminous with the mining lease.

Termination  
of lease  
where lands  
forfeited

- (7) Where the mining lands or mining rights that are the basis for a lease issued under this section are



Section 100*d* provides that a lease may be declared void where the lands, surface rights or mining rights under the lease are used other than for the purposes of the mining industry.

SECTION 29—Subsection 1. The subsection is deleted in view of the new section 100*b* of the Act, which sets out the price to be paid for a patent. See note to section 28 of this Bill.

Subsection 2. Subsection 1 of section 101 of the Act continues in effect as regards patents that are granted under section 100 of the Act and that are applied for on or before the 1st day of September, 1963.

SECTION 30. The amendment implements a recommendation of The Public Lands Investigation Committee, 1959. The intent of the provision is clarified.

revested in or are forfeited or revert to the Crown, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply.

- (8) Where the holder of a lease issued under this section ceases to be the holder of the lands or mining rights in respect of which the lease was issued, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply. Holder of lease and holder of land to be same person

100d. The lands, surface rights or mining rights held under a lease that has been or will be issued under this Act shall be used solely for the purposes of the mining industry, and, in default thereof and on the recommendation of the Commissioner, the Lieutenant Governor in Council may declare the lease void, and subsections 13, 14 and 15 of section 100a apply. Lease void where lands used other than for mining industry

**29.**—(1) Subsection 1 of section 101 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 101, subs. 1, repealed

(2) Notwithstanding subsection 1, subsection 1 of section 101 of *The Mining Act* continues to apply to patents to which section 100 of *The Mining Act* applies. Saving

**30.** Subsection 2 of section 102 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 102, subs. 2, re-enacted

(2) Every patent or lease issued under this Act shall contain a reservation of the surface rights on and over any public or colonization road or any highway crossing the land granted or leased at the date of issue of the patent or lease. Reservation of surface rights

(3) Subsections 1 and 2 do not apply to patents or leases of the mining rights only. Subs. 1, 2 not to apply to mining rights

(4) Where a patent or lease has been issued under this Act or any predecessor thereof containing a reservation for road purposes of 5 per cent or of 10 per cent of the lands granted, and the Crown or its officers or agents did not occupy lands under such reservation, prior to the 1st day of May, 1963, for laying out and constructing roads, such reservation shall now read as a reservation of 5 per cent of the surface rights or 10 per cent of the surface rights, as the case may be. Reservation of land to read as reservation of surface rights



R.S.O. 1960,  
c. 241, s. 104,  
amended **31.** Section 104 of *The Mining Act* is amended by adding  
thereto the following subsection:

Application (3) This section applies only to leases to which section 47,  
52 or 100 applies and to patents issued under  
section 100.

R.S.O. 1960,  
c. 241, s. 105,  
amended **32.** Section 105 of *The Mining Act* is amended by adding  
thereto the following subsection:

Application  
of  
R.S.O. 1960,  
c. 66 (2) Notwithstanding section 19 of *The Conveyancing  
and Law of Property Act*, where a patent or lease of  
a mining claim was or is issued under this Act on or  
after the 1st day of July, 1914, and the patent or  
lease reserves the surface rights, section 16 of *The  
Conveyancing and Law of Property Act* applies if the  
surface rights were the property of the Crown and  
were not applied for or occupied at the time that the  
mining claim was staked out and recorded.

R.S.O. 1960,  
c. 241, s. 109,  
subs. 1,  
re-enacted **33.**—(1) Subsection 1 of section 109 of *The Mining Act* is  
repealed and the following substituted therefor:

When  
survey  
required in  
unsurveyed  
territory (1) Before a patent, lease or licence of occupation of a  
mining claim in unsurveyed territory is applied for,  
the claim shall be surveyed by an Ontario land  
surveyor at the expense of the applicant, but no  
survey of a mining claim, except a perimeter survey  
consented to by the Minister under subsection 3,  
shall be made without the written consent of the  
recorder.

R.S.O. 1960,  
c. 241, s. 109,  
amended (2) The said section 109 is amended by adding thereto the  
following subsections:

Perimeter  
survey (3) Where two or more mining claims in unsurveyed  
territory are contiguous and are recorded in the  
same name, the Minister may, in special circum-  
stances and upon application therefor, consent to a  
perimeter survey being made of the circumference  
of the contiguous claims in lieu of a survey under  
subsection 1.

Minister  
to issue  
written  
instructions (4) Where the Minister consents to a perimeter survey  
being made under subsection 3, he shall issue written  
instructions prescribing its conduct and filing.

Application  
of s. 84,  
subss. 1-4 (5) Subsections 1, 2, 3 and 4 of section 84 apply *mutatis  
mutandis* in the case of a perimeter survey except  
that a perimeter survey counts as ten days work on  
each claim in the group.



SECTION 31. The amendment is complementary to section 28 of this Bill.

SECTION 32. The new subsection confirms that the owner of a mining claim has a right of access to the claim where the surface rights have been disposed of after the claim was staked.

SECTION 33—Subsection 1. The amendment is for purposes of clarification.

Subsection 2. The new subsections, which implement a recommendation of the 1961 Mines Ministers' Conference, provide for perimeter surveys in unsurveyed territory.

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SECTION 34. The amendment is for purposes of clarification.

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- (6) Where a perimeter survey is made under subsection 3, the price or rental shall be computed on the total area of the claims within the perimeter survey, and, where the average area of the claims within the perimeter survey exceeds by more than five acres the area prescribed for a mining claim in section 51, the price or rental for the area in excess of that so prescribed is twice the price or rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area. Price or rental where area exceeds prescribed area
- (7) Where additional work is required under subsection 6, the Minister may prescribe the time within which such work is to be performed and recorded, and application for patent or lease shall be made within the time so prescribed. Where additional work is required
- (8) Before a perimeter survey is made, the mining claims proposed to be included in the perimeter survey shall be inspected by an inspector or other officer of the Department who shall prepare and submit to the Minister a report and plan showing the claim posts, legible markings, metal tags, claim lines and any other data useful in determining whether the claims have been properly staked out on the ground, and the survey shall not be directed to be made unless the Minister is satisfied that the requirements of this Act have been complied with. Mining claims to be inspected before perimeter survey made
- (9) The fee for an inspection under subsection 8 is \$5 Fee per claim, payable in advance, and the Minister may require the applicant to provide the inspector with suitable transportation to the location of the claims.
- (10) Where, after a perimeter survey has been made, one or more of the claims within the perimeter survey is cancelled for any reason or where the holder of a recorded interest ceases to be the holder of an undivided interest in the whole, the survey is void, and thereupon the recorder shall cancel the entry on the record and he shall also cancel the work recorded on account of the survey. Cancellation of work

**34.** Section 110 of *The Mining Act* is amended by inserting after "patent" in the first line "lease or licence of occupation", R.S.O. 1960, c. 241, s. 110, amended so that the section shall read as follows:

110. Where, upon an application for a patent, lease or licence of occupation of a mining claim in surveyed territory, the Minister is of opinion that a survey thereof is necessary, he may direct that a survey thereof be Minister may direct survey of claim in surveyed territory

made at the expense of the applicant, and the survey, unless otherwise ordered, shall comply with the same requirements as a survey of a mining claim in unsurveyed territory.

R.S.O. 1960, c. 241, s. 112, amended **35.** Section 112 of *The Mining Act* is amended by adding thereto the following subsection:

Minister may direct recording of work on expenditure basis

- (2) Where the Minister is satisfied that a mining claim is a Placer Mining Claim under subsection 1, and upon application to him by the licensee, he may direct the recording of work on an expenditure basis, if proof of the actual cost is submitted to him and is accepted by him and if he is satisfied with the type of work and the manner of execution, but the maximum credit for any expenditure shall be one day's work for each \$15 so spent.

R.S.O. 1960, c. 241, Part IV, amended **36.** Part IV of *The Mining Act* is amended by adding thereto the following section:

Regulations

116. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore for and leases to produce natural gas and petroleum from Crown lands lying south and east of the River Mattawa, Lake Nipissing and the French River.

R.S.O. 1960, c. 241, Part V, re-enacted; Part VI, repealed **37.** Parts V and VI of *The Mining Act* are repealed and the following substituted therefor:

#### PART V

#### EXPLORATORY LICENCES AND DREDGING LEASES

Regulations

117. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore and leases to dredge or work in any river, stream or lake or lands not covered by water for the purpose of recovering therefrom alluvial gold, platinum, precious stones or any other valuable mineral not in place.

R.S.O. 1960, c. 241, s. 134, amended **38.** Section 134 of *The Mining Act* is amended by adding thereto the following subsection:

Recorder may order the removal of witness posts, etc.

- (6) Where he is satisfied that there is substantial compliance with the provisions of this Act, the recorder may make an order directing a holder,

- (a) to move, remove or alter corner posts and witness posts and the writing or inscribing thereon;



SECTION 35. The new subsection provides a means of recording work on placer claims on an expenditure basis.

SECTION 36. The new section 116 provides for the issue of licences and leases in respect of oil and gas in those parts of southern Ontario that are not dealt with elsewhere in Part IV of the Act.

SECTION 37. Part V is re-enacted to provide for exploratory licences as well as dredging leases. Part VI, which concerned mining partnerships formed before the 2nd day of April, 1931, is obsolete and is therefore repealed.

SECTION 38. The new subsections clarify the authority of the recorder.



SECTION 39. The provision authorizing the recorder to allow fees and conduct money is deleted.

SECTION 40. The amendment is for the purpose of clarification.

SECTION 41. The section as re-enacted provides that, where lands that include surface rights are surrendered or forfeited or declared to be open for disposition under the Act, such lands are also open for disposition under *The Public Lands Act* or any other Act administered by the Minister of Lands and Forests.

SECTION 42. The amendment is for purposes of clarification. It is complementary to section 46 of this Bill.

(b) to move or alter claim lines; or

(c) to replace metal tags that have been removed or destroyed after having been affixed to the corner posts,

and the recorder shall set out in the order the time within which the work shall be completed and reported to him.

- (7) Where the work prescribed in an order under sub-section 6 has not been completed within the time set out in the order, the recorder may cancel the claim or claims on which the work was to have been done and shall, by registered letter, mailed not later than the next day after the cancellation, notify the holder of his action and the reason therefor

Recorder  
may cancel  
claim

**39.** Section 136 of *The Mining Act* is repealed.

R.S.O. 1960,  
c. 241, s. 136,  
repealed.

**40.** Part XII of *The Mining Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 241,  
Part XII,  
amended

**641a.** In this Part, "active service" means active service as determined under the *National Defence Act* (Canada).

Interpre-  
tation  
R.S.C. 1952,  
c. 184

**41.** Section 652 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 652,  
re-enacted

**652.** Where lands that include surface rights revert or revest or are surrendered or forfeited under this Act or are declared to be open for disposition under this Act, such lands may be dealt with under *The Public Lands Act*, or any other Act administered by the Minister of Lands and Forests, or the regulations made thereunder.

Surface  
rights on  
lands  
forfeited or  
surrendered  
R.S.O. 1960,  
c. 324

**42.** Subsection 2 of section 653 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 653,  
subs. 2,  
re-enacted

- (2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and all such rents or expenditures have been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the rents or expenditures for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the rents or met the expenditures for the period

Procedure  
to enforce  
claim for  
payment  
of rents or  
expenditures  
by one  
co-owner  
against  
another

of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the rents or expenditures to the co-owner or co-owners who has or have paid all the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

R.S.O. 1960,  
c. 241, s. 656,  
re-enacted

**43.** Section 656 of *The Mining Act* is repealed and the following substituted therefor:

Lands  
forfeited  
to Crown  
R.S.O. 1960,  
cc. 71, 246

656.—(1) Where mining lands or mining rights are forfeited to the Crown under *The Corporations Act* or *The Mortmain and Charitable Uses Act*, or any predecessor thereof, the Minister may cause to be registered in the proper land titles or registry office a notice stating that forfeiture has been effected under that Act and that by reason of such forfeiture the lands or mining rights, and every interest therein, are forfeited to and vested in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture, and, subject to subsection 2, such lands shall be dealt with under this Act.

Opening  
forfeited  
lands,  
etc., for  
prospecting

(2) Mining lands or mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241,  
ss. 665, 666,  
repealed

**44.** Sections 665 and 666 of *The Mining Act* are repealed.

R.S.O. 1960,  
c. 241, s. 668,  
amended

**45.** Section 668 of *The Mining Act* is amended by striking out "665, 666" in the first line, so that the section shall read as follows:

Liability  
for tax  
though not  
on roll

668. Notwithstanding sections 664 and 667, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided in this Part.

SECTION 43. The section is re-enacted for purposes of clarification.

SECTION 44. The sections repealed, which deal with the time for sending and the delivery of tax bills, are over-ridden by section 668 of the Act, and their repeal clears up an apparent conflict with section 668. There will be no change in the practice of billing.

SECTION 45. Complementary to section 44 of this Bill. The intent is clarified. No change in principle.



SECTION 46. The subsection is re-enacted for purposes of clarification.

SECTION 47. The amendments are designed to facilitate administration.



**46.** Subsection 1 of section 670 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 670,  
subs. 1,  
re-enacted

- (1) Where lands or mining rights liable for acreage tax are held by two or more co-owners and all such tax has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the tax for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the tax for the period of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the tax to the co-owner or co-owners who has or have paid all the tax, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

**47.**—(1) Subsection 1 of section 671 of *The Mining Act* is amended by striking out "1st day of October and the 31st day of December" in the second line and inserting in lieu thereof "1st day of January and the 31st day of March" and by striking out "April" in the fifth line and inserting in lieu thereof "June", so that the subsection shall read as follows: R.S.O. 1960,  
c. 241, s. 671,  
subs. 1,  
amended

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that, unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$5 for each property.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 2,  
amended

(2) Subsection 2 of the said section 671 is amended by striking out "31st day of May" in the first line and inserting in lieu thereof "15th day of July", so that the subsection shall read as follows:

Publication  
of list  
and notice

(2) Not later than the 15th day of July in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that, unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 4,  
amended

(3) Subsection 4 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the third and fourth lines, so that the subsection shall read as follows:

Not open  
for staking

(4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 7,  
amended

(4) Subsection 7 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the fifth line, so that the subsection shall read as follows:

Opening  
forfeited  
lands, etc.,  
for  
prospecting

(7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year are open for prospecting, staking out, sale or lease under this Act at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

R.S.O. 1960,  
c. 241, s. 673,  
repealed

48. Section 673 of *The Mining Act* is repealed.

R.S.O. 1960,  
c. 241,  
Sched.,  
amended

49. The Schedule to *The Mining Act* is amended by adding thereto the following items:

- |  |        |
|--|--------|
| 27. For consenting to the transfer of a mining lease or any document relating to a lease.....                          | \$1.00 |
| 28. For consenting to the transfer of a licence of occupation or any document relating to a licence of occupation..... | 2.00   |

SECTION 48. Complementary to section 19 of this Bill.

SECTION 49. Self-explanatory.

SECTION 50. This new section validates forfeitures to date.

SECTION 51. This new section validates forfeitures to date.

SECTION 52. This new section validates forfeitures to date.

SECTION 53. This new section validates forfeitures to date.

SECTION 54. This new section validates forfeitures to date.

SECTION 55. This new section validates forfeitures to date.

SECTION 56. This new section validates forfeitures to date.

SECTION 57. This new section validates forfeitures to date.

SECTION 58. This new section validates forfeitures to date.

SECTION 59. This new section validates forfeitures to date.

SECTION 60. This new section validates forfeitures to date.



**50.** Every forfeiture of lands and mining rights heretofore made under Part XIII of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void. <sup>Previous forfeitures validated</sup>

**51.**—(1) This Act, except section 47, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Section 47 comes into force on the 1st day of August, 1963. <sup>Idem</sup>

**52.** This Act may be cited as *The Mining Amendment Act*, 1962-63. <sup>Short title</sup>



An Act to amend The Mining Act

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*1st Reading*

March 7th, 1963

*2nd Reading*

*3rd Reading*

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MR. WARDROPE

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# **BILL 78**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Mining Act**

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**MR. WARDROPE**

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*(Reprinted as amended by the Committee on Mining)*

MINING ACT, 1906, CHAPTER 104, SECTION 104  
 1906, CHAPTER 104, SECTION 104

EXPLANATORY NOTES

SECTION 1. Crown is defined for the purposes of the Act.

SECTION 2

SECTION 2. The amendment deletes a provision that is concerned with applications for mining lands made prior to the 14th day of May, 1906, and that has become obsolete.

SECTION 3. The amendment removes the references to Provincial Geologist and Provincial Assayer. These titles are no longer in use.

BILL 78

1962-63

## An Act to amend The Mining Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 241, s. 1,  
amended

2a. "Crown" means Crown in right of Ontario.

(2) Paragraph 8 of the said section 1 is amended by adding at the end thereof "and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 241, s. 1,  
para. 8,  
amended

8. "inspector" includes "engineer", as defined in clause *b* of subsection 1 of section 161, and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry.

2. Subsection 2 of section 2 of *The Mining Act* is repealed. R.S.O. 1960,  
c. 241, s. 2,  
subs. 2,  
repealed

3.—(1) Subsection 1 of section 8 of *The Mining Act* is amended by striking out "a Provincial Geologist, a Provincial Assayer, one or more inspectors, and such other" in the second and third lines and inserting in lieu thereof "such", so that the subsection shall read as follows: R.S.O. 1960,  
c. 241, s. 8,  
subs. 1,  
amended

(1) The Lieutenant Governor in Council may appoint such officers and agents as he deems necessary, who shall be officers of the Department and shall perform such duties as are assigned to them by this Act or by the regulations. Officers  
and agents,  
appointment

(2) Subsection 2 of the said section 8 is repealed.

R.S.O. 1960,  
c. 241, s. 8,  
subs. 2,  
repealed



R.S.O. 1960,  
c. 241, s. 14,  
subs. 1,  
amended

4. Subsection 1 of section 14 of *The Mining Act* is amended by striking out "Crown" in the third line and inserting in lieu thereof "mining" and by inserting after "claims" in the fourth line "situate in Ontario", so that the subsection shall read as follows:

Officers not  
to be  
interested  
in mining  
lands or  
claims  
situate in  
Ontario

- (1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any mining lands, mining rights or mining claims situate in Ontario, and any such purchase or interest is void.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 1,  
amended

5.—(1) Subsection 1 of section 16 of *The Mining Act* is amended by striking out "the Provincial Geologist, the Provincial Assayer, or an inspector, recorder or other officer" in the third and fourth lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Certain  
officers not  
to be sub-  
poenaed  
without  
order or  
direction

- (1) A subpoena shall not issue out of any court requiring the attendance of the Deputy Minister, the Commissioner or any officer or agent of the Department, or the production of any document in the official custody or possession of any of them, without an order of the court or a judge thereof or, in matters before the Commissioner, without a direction of the Commissioner.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 2,  
amended

(2) Subsection 2 of the said section 16 is amended by striking out "the Provincial Geologist, the Provincial Assayer, and an inspector, recorder or other officer" in the first, second and third lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Privilege as  
to official  
information

- (2) The Deputy Minister, the Commissioner or any officer or agent of the Department is not bound to disclose any information obtained by him in his official capacity that a member of the Executive Council certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged, and all such information is privileged.

R.S.O. 1960,  
c. 241, s. 20,  
re-enacted

6. Section 20 of *The Mining Act* is repealed and the following substituted therefor:

Certain  
documents  
filed in  
recorder's  
office

- 20.—(1) Except as in this Act otherwise provided, the recorder's office is the proper office for filing and recording all applications, documents and other



**SECTION 4.** The intent is clarified.

**SECTION 5.** The amendment is complementary to section 3 of this Bill.

**SECTION 6.** The section is re-enacted in order to facilitate administration.

**SECTION 7. An incorrect reference is corrected.**

**SECTION 8. The existing practice is made statutory.**

instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest that may be acquired under this Act respecting an unpatented mining claim, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but, after patent, *The Land Titles Act* or *The Registry Act*, as the case may be, applies. R.S.O. 1960,  
cc. 204, 348

- (2) Except as in this Act otherwise provided, the Minister's office is the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any mining licence of occupation or any right, privilege or interest that may be acquired under this Act respecting a mining licence of occupation, or affecting any grant under this Act or the regulations that is not a grant that may be registered under *The Land Titles Act* or *The Registry Act* or affecting any right, privilege or interest that may be acquired under this Act respecting such a grant, and the Minister may authorize an officer or officers to receive, scrutinize, approve and record any such applications, documents and other instruments. Certain documents  
filed in  
Minister's  
office

7. Clause *b* of subsection 8 of section 24 of *The Mining Act* is amended by striking out "X" in the third line and inserting in lieu thereof "IX", so that the clause shall read as follows: R.S.O. 1960,  
c. 241,  
s. 24, subs. 8,  
cl. b,  
amended

- (b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act*; R.S.O. 1960,  
c. 71  
or

8. Subsection 1 of section 28 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 28,  
subs. 1,  
re-enacted

- (1) If a miner's licence is accidentally destroyed or lost, the holder may, Accidental  
destruction  
or loss of  
licence
- (a) upon proof by statutory declaration that the original has been destroyed or lost and setting out the circumstances thereof; and
- (b) upon payment of the prescribed fee,

obtain a duplicate thereof from the office of the Minister, Deputy Minister or any recorder.

R.S.O. 1960,  
c. 241, s. 37,  
cls. b, c,  
re-enacted

9. Clauses *b* and *c* of section 37 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 324

- (b) for which a *bona fide* application is pending in the Department of Lands and Forests under *The Public Lands Act*, or otherwise, and the applicant may acquire the minerals; or
- (c) where the surface rights have been subdivided, surveyed, sold or otherwise disposed of by the Department of Lands and Forests for summer resort purposes, except where the Minister of Mines certifies in writing that in his opinion discovery of valuable mineral in place has been made; or

R.S.O. 1960,  
c. 241, s. 39,  
subs. 1,  
amended

10.—(1) Subsection 1 of section 39 of *The Mining Act* is amended by inserting after “lessee” in the tenth line “purchaser”, so that the subsection shall read as follows:

Lands used  
or occupied  
as gardens,  
etc.

- (1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person or company shall prospect for minerals or stake out a mining claim upon the part of a lot that is used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such prospecting are growing, or on the part of a lot upon which is situated a spring, artificial reservoir, dam or waterworks, or a dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee, purchaser or locatee of the surface rights, or by order of the recorder or the Commissioner, and upon such terms as to him seem just.

R.S.O. 1960,  
c. 241, s. 39,  
subs. 2,  
amended

(2) Subsection 2 of the said section 39 is amended by inserting after “lessee” in the second line “purchaser”, so that the subsection shall read as follows:

Disputes as  
to lands  
exempt

- (2) If a dispute arises between the intending prospector and the owner, lessee, purchaser or locatee as to land that is exempt from prospecting or staking out under subsection 1, the recorder or the Commissioner shall determine the extent of the land that is so exempt.

R.S.O. 1960,  
c. 241, s. 47,  
subs. 1,  
amended

11.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by adding at the commencement thereof “Except as provided in section 100*b*”, so that the subsection shall read as follows:



**SECTION 9.** The intent of the provision is clarified and brought into line with existing practice.

**SECTION 10.** The amendment is for purposes of clarification.

**SECTION 11—Subsection 1.** The amendment is for purposes of clarification.



**Subsection 2.** The amendment modifies a procedure for cancelling leases.

**Subsection 3.** The new subsection 7 is complementary to subsection 1. The new subsections 8 and 9 are designed to permit the holder of a lease of mining land in a provincial forest issued under section 47 of the Act to be issued a lease under the new section 100a of the Act. See note to section 28 of this Bill.

**SECTION 12—Subsection 1.** The new subsections 4a and 4b, which implement one of the recommendations of The Public Lands Investigation Committee, 1959, provide for the retention by the Crown of valuable surface rights along highways.

- (1) Except as provided in section 100*b*, mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year. Mining lands in provincial forest not to be sold
- (2) Subsection 5 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 47, subs. 5, re-enacted
- (5) Where a lease has not been renewed under subsection 2 or has been terminated under subsection 4, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the land included in such lease is revested in the Crown freed and discharged from every claim. Notice of termination of lease
- (3) The said section 47 is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 47, amended
- (7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar shall note that fact in his register in red ink. R.S.O. 1960, c. 204, 348, not to apply to forfeited lands
- (8) Subject to subsection 1 of section 100*a*, this section applies only to leases for which application is made on or before the 1st day of September, 1963. Application
- (9) The holder of a lease to which this section applies may, upon application in writing therefor and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section. Lessee may be issued lease under s. 100*a*

**12.—**(1) Section 52 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 52, amended

Crown  
reservation

- (4a) Where a claim is traversed by a highway or road constructed or maintained by the Department of Highways, there may be reserved for the Crown the surface rights not exceeding 300 feet in width along both sides of the highway or road, such reservation to be measured from the outside limits of the right of way of the highway or road.

Application  
of Crown  
reservation  
to un-  
patented  
mining  
claims

- (4b) The reservations of surface rights authorized by subsections 4 and 4a shall be deemed to apply to and to have been made on all unpatented mining claims unless such reservation or reservations are waived by the Minister.

R.S.O. 1960,  
c. 241, s. 52,  
subs. 7, 8,  
re-enacted

- (2) Subsections 7 and 8 of the said section 52 are repealed and the following substituted therefor:

Application  
of s. 47,  
subs. 2-9

- (7) Subsections 2, 3, 4, 5, 6, 7, 8 and 9 of section 47 apply *mutatis mutandis* to such leases.

Termination  
of licence of  
occupation

- (8) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims of the licensee, his successors or assigns, in or to the lands covered by the licence, cease, but the lands or mining rights contained therein are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, at least two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241, s. 52,  
amended

- (3) The said section 52 is further amended by adding thereto the following subsection:

Consent to  
transfer of  
licence

- (10) A licence or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him.

R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. b,  
amended

- 13.—**(1) Clause *b* of subsection 1 of section 55 of *The Mining Act* is amended by striking out "placing" in the first line and inserting in lieu thereof "otherwise inscribing", so that the clause shall read as follows:

- (b) by writing or otherwise inscribing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number.



Subsection 2. The new subsection 7 is complementary to section 28 of this Bill. The new subsection 8 is designed to clarify procedure.

Subsection 3. The new subsection 10 clarifies the intent of the provision.

SECTION 13—Subsections 1 and 2. The amendments are for purposes of clarification.

Subsection 3. The purpose of the amendment is to ensure that the writing on claim posts is that of the staker.

SECTION 14. The intent is clarified.

SECTION 15. The amendment reflects the existing practice.

SECTION 16. The amendment is complementary to subsection 2 of section 33 of this Bill.



(2) Clause *c* of subsection 1 of the said section 55 is amended by striking out "placing" in the first line and inserting in lieu thereof "otherwise inscribing", so that the clause shall read as follows: R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. *c*,  
amended

- (c) by writing or otherwise inscribing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

(3) The said section 55 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 55,  
amended

- (6) Notwithstanding section 58, the writing or inscribing required on the posts by clauses *b* and *c* of subsection 1 shall be done, at the time that the posts are erected, by the licensee staking out the mining claim. Writing done  
by licensee  
at time of  
erection  
of posts

14. Subsection 7 of section 62 of *The Mining Act* is amended by inserting after "section 92" in the fourth line "or by the recorder under section 86", so that the subsection shall read as follows: R.S.O. 1960,  
c. 241, s. 62,  
subs. 7,  
amended

- (7) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as is authorized by the Commissioner under section 92 or by the recorder under section 86, the recorder shall cancel the claim and shall by registered letter mailed not later than the next day notify the holder thereof of his action and the reason therefor. Cancellation  
of claim  
where metal  
tags not  
pre-affixed

15. Section 64 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 64,  
amended

- (6) Where the prescribed fee has been paid for filing a dispute under subsection 1, such fee shall be deemed to include the fee for filing any order or orders settling the dispute. Fee includes  
fee for filing  
order

16. Section 65 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 65,  
amended

- (2) Where a claim forms part of a group of claims that have been included in a perimeter survey as provided in subsection 3 of section 109, the recorder shall not issue a certificate of record unless application is made for patent or lease and the price or rental has been paid. Certificate  
of record  
where claim  
included in  
perimeter  
survey

R.S.O. 1960, c. 241, amended **17. The Mining Act** is amended by adding thereto the following section:

Surface rights on unpatented mining claim

68a.—(1) Except as in this Act otherwise provided, the holder of an unpatented mining claim has the right prior to any subsequent right to the user of the surface rights for prospecting and the efficient exploration, development and operation of the mines, minerals and mining rights.

Disposition of surface rights

R.S.O. 1960, c. 324

(2) Where the holder of an unpatented mining claim consents to the disposition of surface rights under *The Public Lands Act*, the recorder shall make an entry on the record of the claim respecting the consent, and thereupon the surface rights may be dealt with as provided in *The Public Lands Act*.

Survey of surface rights

(3) Where the holder of an unpatented mining claim consents to the disposition of surface rights under subsection 2, the Minister may require a survey of such surface rights, and the survey shall be provided at the expense of the person who has acquired the surface rights.

Where holder does not consent to disposition of surface rights

(4) Where an application is made for disposition under *The Public Lands Act* of surface rights on an unpatented mining claim and the holder of the unpatented mining claim does not consent to the disposition and provision for the reservation or exclusion of the surface rights is not otherwise provided for in this Act or any other Act, the Minister may refer the application to the Commissioner.

Where application referred to Commissioner

(5) Where an application under subsection 4 is referred to the Commissioner, he shall, upon giving all interested persons at least ninety days notice and after hearing such interested persons as appear, make an order based on the merits of the application.

R.S.O. 1960, c. 241, s. 69, subs. 1, amended

**18. Subsection 1 of section 69 of *The Mining Act*** is amended by striking out "Provincial Assayer" in the sixth line and inserting in lieu thereof "Chief, Laboratory Branch, Department of Mines", so that the subsection shall read as follows:

Free assays

(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Chief,

**SECTION 17.** This new section, which implements one of the recommendations of The Public Lands Investigation Committee, 1959, provides procedures for dealing with surface rights on unpatented mining claims.

**SECTION 18.** The amendment is complementary to section 3 of this Bill.

**SECTION 19.** The section as re-enacted replaces and clarifies the intent of sections 70 and 673 of the Act. See note to section 48 of this Bill.

**SECTION 20.** The section is re-enacted in order to provide a more workable method of dealing with cases where mining claims are alleged to have been staked for improper purposes.



Laboratory Branch, Department of Mines, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year.

**19.** Section 70 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 70,  
re-enacted

70.—(1) Where the holder, licensee, lessee or owner of a mining claim, mining lands or mining rights abandons or surrenders the claim, lands or rights or where the mining claim, mining lands or mining rights are cancelled or forfeited under this Act or any other Act or the regulations thereunder, he may take from the claim, lands or rights any buildings, structures, machinery, chattels, personal property and, except in the case of an unpatented mining claim, any ore or mineral he has extracted therefrom belonging to him and any slimes or tailings not otherwise owned, within six months after the abandonment, surrender, cancellation or forfeiture or within such further time as is fixed by the Commissioner, and, in default of so doing, all such buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings belong to the Crown and may be sold or otherwise disposed of by the Minister upon such terms and conditions as he deems expedient.

(2) The staking or recording of a mining claim does not confer upon the licensee any right respecting buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings acquired by the Crown under subsection 1. Licensee has  
no rights in  
buildings,  
etc.,  
acquired  
by Crown

**20.** Section 72 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 72,  
re-enacted

72.—(1) Where land is staked out and applied for as a mining claim and it appears that the land is being used other than as mining land or for a purpose other than that of the mineral industry, the Minister may direct the Commissioner to hold a hearing. Improper  
use of  
land

(2) Where, upon notice to all persons interested and after hearing such of them as appear, the Commissioner is satisfied that the land is being used other than as mining land or for a purpose other than that of the mineral industry, he may make an order cancelling the claim, and, on the filing of the order Cancellation  
of claim



with the recorder for the mining division in which the land is situate, the claim is cancelled and annulled, and the land may be dealt with as provided in this Act.

R.S.O. 1960,  
c. 241, s. 76,  
subs. 1,  
amended

**21.** Subsection 1 of section 76 of *The Mining Act* is amended by striking out "in the name of" in the fourth and fifth lines and inserting in lieu thereof "by" and by striking out "or in whose name" in the seventh and eighth lines, so that the subsection shall read as follows:

Agreements  
and  
transfers  
necessary  
in writing

- (1) No person is entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done by another person unless the fact that the first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom the staking out or recording was done or the evidence of the first-mentioned person is corroborated by some other material evidence, and, where a right or interest is so made to appear, *The Statute of Frauds* does not apply.

R.S.O. 1960,  
c. 381

R.S.O. 1960,  
c. 241, s. 81,  
amended

**22.** Section 81 of *The Mining Act* is amended by adding thereto the following subsections:

Transfer,  
etc., deemed  
to be  
recorded  
when  
received in  
office of  
recorder

- (2) Any transfer or other instrument proper to be recorded shall, if all requirements for recording have been met, be deemed to have been recorded at the time that it was received in the office of the recorder, notwithstanding that such transfer or other instrument may not have been immediately entered in the record book.

Filing  
after the  
prescribed  
time

- (3) Where a document is required to be filed with or a fee is required to be paid to a recorder and the document or fee is sent by mail and is received in the office of the recorder after the prescribed time, the recorder may accept the document or fee upon evidence that it was mailed within the prescribed time and that there is no adverse interest.

R.S.O. 1960,  
c. 241, s. 82,  
amended

**23.** Section 82 of *The Mining Act* is amended by adding thereto the following subsection:

Fee for  
filing  
certificate  
includes fee  
for filing  
order

- (10) Where the prescribed fee has been paid for filing a certificate under subsection 2, the fee shall be deemed to include the fee for filing any order or orders made by the Commissioner in the proceeding.

SECTION 21. The intent of the provision is clarified.

SECTION 22. The amendments reflect the existing practice.

SECTION 23. The amendment reflects the existing practice.

SECTION 24. The section is re-enacted in order to provide a more certain method of computing time for performance of working conditions.

SECTION 25. The significance of the 14th day of May, 1906, in regard to mining claims is no longer relevant, and the subsection is therefore repealed.

SECTION 26—Subsection 1. The intent is clarified.

Subsection 2. The amendment provides for the granting of an extension of the time for affixing metal tags to claim posts after the due date for affixing the metal tags has expired.

**24.** Section 85 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 85, re-enacted

85.—(1) In computing the time within which work upon a mining claim is required to be performed, Computing time for performance of work conditions

(a) all time which by an order in council or regulation is excluded;

(b) if a permit under *The Forest Fires Prevention Act*, which is necessary for the beginning or carrying on of the work under this Act, is refused or the performance of such work is prohibited under that Act, the time during which such refusal or prohibition subsists, if the holder provides the recorder with satisfactory evidence of such prohibition; R.S.O. 1960, c. 152

(c) time during which proceedings concerning the claim are pending, where the Commissioner or recorder is satisfied that any delay in settling the matter is not the fault of the holder,

shall be excluded.

(2) Where time is excluded under subsection 1, the Commissioner may make an order prescribing the date or dates by which the next or any subsequent periods of work shall be performed and reported. Order by Commissioner

**25.** Subsection 2 of section 87 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 87, subs. 2, repealed

**26.**—(1) Subsection 1 of section 92 of *The Mining Act* is amended by inserting after "under" in the first line "sub-section 7 of section 62 or", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 241, s. 92, subs. 1, amended

(1) Where forfeiture or loss of rights occurs under sub-section 7 of section 62 or subsection 1 of section 91 and, Relief against forfeiture

(2) Subsection 1 of the said section 92 is further amended by adding thereto the following clause: R.S.O. 1960, c. 241, s. 92, subs. 1, amended

(e) where the metal tags have not been affixed to the corner posts of the claim within the time prescribed in subsection 5 of section 62, the Commissioner may make an order, upon such terms as he considers just, relieving the claim from forfeiture and granting an



extension of the time for affixing the metal tags to the corner posts, but only one such extension shall be granted, and, where the Commissioner extends the time for affixing metal tags beyond the first anniversary of the date of recording of the claim, the holder of the claim shall pay to the recorder, in addition to the fee prescribed in the Schedule, a fee of \$5 a claim for each year or part of a year of the extension beyond the anniversary date.

R.S.O. 1960,  
c. 241, s. 92,  
amended

(3) The said section 92 is amended by adding thereto the following subsections:

Filing of  
relief from  
forfeiture  
order

(9) Notwithstanding subsection 7, an order made by the Commissioner under clause *a* of subsection 1 may be filed in the office of any recorder, but such order does not come into force until it is so filed and until the prescribed fees are paid.

No fee for  
special  
renewal of  
licence under  
s. 27, subs. 5

(10) Notwithstanding clause *a* of subsection 1, no fee is payable for a special renewal of a licence issued under subsection 5 of section 27.

R.S.O. 1960,  
c. 241, s. 100,  
subs. 5,  
re-enacted

**27.** Subsection 5 of section 100 of *The Mining Act* is repealed and the following substituted therefor:

Application  
of s. 47,  
subss. 3-7

(5) Subsections 3, 4, 5, 6 and 7 of section 47 apply *mutatis mutandis* to leases and renewals thereof under subsections 3 and 4.

Application

(6) Subject to subsection 1 of section 100*a*, this section applies only to patents and leases for which application is made on or before the 1st day of September, 1963.

Lease under  
s. 100*a*

(7) The holder of a lease to which this section applies may, upon application therefor in writing and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section.

R.S.O. 1960,  
c. 241,  
amended

**28.** *The Mining Act* is amended by adding thereto the following sections:

Application

100*a*.—(1) This section,

(*a*) may, at the election of the applicant, apply to a lease applied for on or before the 1st day of September, 1963; and



Subsection 3. The amendments reflect the existing practice.

SECTION 27. The re-enactment of subsection 5 is complementary to subsection 1 of section 11 of this Bill.

The new subsections 6 and 7 are designed to permit the holder of a lease under section 100 of the Act to be issued a lease under the new section 100a of the Act. Complementary to sections 11 and 28 of this Bill.

SECTION 28. Sections 100a, 100b, 100c and 100d are new. They implement recommendations of The Public Lands Investigation Committee, 1959.

Section 100a provides a new method of issuing leases of mining claims under the Act.



- (b) shall apply to a lease applied for after the 1st day of September, 1963.
- (2) Upon compliance with this Act and upon payment <sup>Right to lease of claim</sup> of the rent for the first year, the holder of a mining claim is entitled to a lease of the claim.
  - (3) The application and payment for a lease shall be <sup>Application for lease</sup> made to the recorder within one year from the date upon which all work on a mining claim is required to be performed, and the application shall be accompanied by a certificate of record as provided in section 65 and a certificate of the complete performance of working conditions as provided in subsection 4 of section 83.
  - (4) A lease under this section shall be for a term of <sup>Term of lease</sup> twenty-one years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year.
  - (5) The holder of a mining claim may elect to apply <sup>Lease of mining rights</sup> for a lease of the mining rights only.
  - (6) Where a lease under this section is for the mining <sup>Rental</sup> rights only, the rental is \$1 an acre for the first year and 10 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$4 for each subsequent year.
  - (7) Where the surface rights on part of a claim are <sup>Rental where surface rights on part of claim excluded</sup> excluded in a lease under this section, the rental prescribed in subsection 4 applies to the part of the claim including the surface rights, and the rental prescribed in subsection 6 applies to the part of the claim excluding the surface rights, but the total rental shall not be less than the minimum rental prescribed in subsection 4.
  - (8) Subject to subsections 10, 11 and 12, every lease <sup>Lease renewable</sup> under this section may be renewed for further terms of twenty-one years, and the renewal shall be dated from the day following the expiration of the lease or the last renewal thereof, but application for renewal shall be made within ninety days of the expiry of the lease or last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper.



Rental for renewed lease

- (9) The rentals and minimum rentals prescribed for years subsequent to the first year in subsections 4, 6 and 7 apply to the first and subsequent years of renewal leases.

Minister may refuse to renew lease

- (10) The Minister may refuse to renew a lease issued under this section or may require the applicant to show cause why a renewal should be granted.

Application referred to Commissioner

- (11) The Minister may refer an application for renewal of a lease to the Commissioner, who shall, upon notice to all interested persons and after hearing such of them as appear, report to the Minister thereon with his recommendations.

Termination of lease for arrears of rent

- (12) Where payment of the rental under any such lease is in arrears for two years or more, the lease may be terminated by an instrument in writing.

Notice of termination of lease

- (13) Where application for renewal of a lease is not made within the time prescribed by subsection 8 or where a renewal of a lease is refused under subsection 10 or where a lease has been terminated under subsection 12, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the lands included in such lease are revested in the Crown freed and discharged from every claim.

Registration of notice of termination  
R.S.O. 1960,  
cc. 204, 348

- (14) Upon registration of the notice in the proper land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar of the registration division shall note that fact in his register in red ink.

Lands vested in Crown on termination of lease

- (15) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out or leasing until re-opened by the Lieutenant Governor in Council.





Section 100b introduces what will eventually be the only way in which fee simple title to mining lands can be obtained.

Section 100c provides a lessee or owner of mining rights, or the holder of a mining licence of occupation, with a method of obtaining a lease of surface rights lying within or outside the lands for which he has a lease, patent or mining licence of occupation.

- (16) A lease or renewal thereof or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him. Transfer of lease or renewal
- (17) Any surface rights reserved in a lease or renewal thereof may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder. Disposition of surface rights reserved in a lease or renewal  
R.S.O. 1960, c. 324
- 100b.—(1) Subject to subsection 3, where a holder of a lease issued under section 47, 100 or 100a produces evidence, satisfactory to the Minister, that he is producing mineral in substantial quantities and production has been continuous for more than one year, he is entitled, upon application in writing therefor and upon the surrender of his lease, to a patent of the lands or mining rights held under lease. Right to patent
- (2) Application for a patent shall be in the prescribed form and shall be accompanied by the purchase price at the rate of \$10 an acre for both surface and mining rights or \$5 an acre for the mining rights only, as the case may be. Application for patent
- (3) Where land consists of land under navigable water, a patent shall not be granted, but, upon application therefor in writing and upon the surrender of his lease, the lessee is entitled to a new lease renewable in perpetuity for periods of twenty-one years, and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper. Lease of land under navigable water
- (4) The rental for a lease or renewal lease under subsection 3 shall be as prescribed in subsection 9 of section 100a. Rental
- (5) Subsections 12, 13, 14, 15 and 16 of section 100a apply *mutatis mutandis* to leases and renewals thereof under this section. Application of sec. 100a

100c.—(1) Where the lessee or owner of mining rights, or the holder of a mining licence of occupation, requires the use of surface rights lying within or outside the Lease of surface rights

limits of lands for which he has a lease, patent or licence of occupation for the mining rights for the disposal of tailings or waste material or for the erection of a shaft or buildings for mining or mining purposes, or for any other purpose essential to mining or mining exploration, the Minister may lease to him any available surface rights.

Application  
for lease of  
surface  
rights

- (2) Application for a lease of surface rights shall be made in writing to the Minister in the prescribed form, and the applicant shall furnish such particulars as the Minister requires, including,

(a) a statement of the particular purposes for which the surface rights are to be used;

(b) an adequate description and plan or sketch of the area applied for;

(c) the first year's rental; and

(d) proof of ownership, or, in the case of a licence of occupation, proof that the applicant is the holder of the licence of occupation, of the mining lands or mining rights that are the basis of the application.

Survey

- (3) The Minister may require the applicant to furnish a survey by an Ontario land surveyor, and the cost of the survey shall be borne by the applicant.

Rental

- (4) The annual rental of a lease or renewal under this section is \$1 an acre, payable in advance.

Term of  
lease

- (5) A lease issued under this section shall be for a term of twenty-one years, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the term shall be conterminous with the mining lease.

Application  
of s. 100a,  
subss. 8,  
10-16

- (6) Subsections 8, 10, 11, 12, 13, 14, 15 and 16 of section 100a apply *mutatis mutandis* to leases issued under this section, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the renewal term shall be conterminous with the mining lease.

Termination  
of lease  
where lands  
forfeited

- (7) Where the mining lands or mining rights that are the basis for a lease issued under this section are





Section 100d provides that a lease may be declared void where the lands, surface rights or mining rights under the lease are used other than for the purposes of the mining industry.

SECTION 29—Subsection 1. The subsection is deleted in view of the new section 100b of the Act, which sets out the price to be paid for a patent: See note to section 28 of this Bill.

Subsection 2. Subsection 1 of section 101 of the Act continues in effect as regards patents that are granted under section 100 of the Act and that are applied for on or before the 1st day of September, 1963.

SECTION 30. The amendment implements a recommendation of The Public Lands Investigation Committee, 1959. The intent of the provision is clarified.



revested in or are forfeited or revert to the Crown, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply.

- (8) Where the holder of a lease issued under this section ceases to be the holder of the lands or mining rights in respect of which the lease was issued, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply. Holder of lease and holder of land to be same person

- 100d. The lands, surface rights or mining rights held under a lease that has been or will be issued under this Act shall be used solely for the purposes of the mining industry, and, in default thereof and on the recommendation of the Commissioner, the Lieutenant Governor in Council may declare the lease void, and subsections 13, 14 and 15 of section 100a apply. Lease void where lands used other than for mining industry

**29.**—(1) Subsection 1 of section 101 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 101 subs. 1, repealed

(2) Notwithstanding subsection 1, subsection 1 of section 101 of *The Mining Act* continues to apply to patents to which section 100 of *The Mining Act* applies. Saving

**30.** Subsection 2 of section 102 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 102, subs. 2, re-enacted

- (2) Every patent or lease issued under this Act shall contain a reservation of the surface rights on and over any public or colonization road or any highway crossing the land granted or leased at the date of issue of the patent or lease. Reservation of surface rights

- (3) Subsections 1 and 2 do not apply to patents or leases of the mining rights only. Subss. 1, 2 not to apply to mining rights

- (4) Where a patent or lease has been issued under this Act or any predecessor thereof containing a reservation for road purposes of 5 per cent or of 10 per cent of the lands granted, and the Crown or its officers or agents did not occupy lands under such reservation, prior to the 1st day of May, 1963, for laying out and constructing roads, such reservation shall now read as a reservation of 5 per cent of the surface rights or 10 per cent of the surface rights, as the case may be. Reservation of land to read as reservation of surface rights

R.S.O. 1960,  
c. 241, s. 104,  
amended

**31.** Section 104 of *The Mining Act* is amended by adding thereto the following subsection:

Application

- (3) This section applies only to leases to which section 47, 52 or 100 applies and to patents issued under section 100.

R.S.O. 1960,  
amended

**32.** Section 105 of *The Mining Act* is amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1960,  
c. 66

- (2) Notwithstanding section 19 of *The Conveyancing and Law of Property Act*, where a patent or lease of a mining claim was or is issued under this Act on or after the 1st day of July, 1914, and the patent or lease reserves the surface rights, section 16 of *The Conveyancing and Law of Property Act* applies if the surface rights were the property of the Crown and were not applied for or occupied at the time that the mining claim was staked out and recorded.

R.S.O. 1960,  
c. 241, s. 109,  
subs. 1  
re-enacted

**33.**—(1) Subsection 1 of section 109 of *The Mining Act* is repealed and the following substituted therefor:

When  
survey  
required in  
unsurveyed  
territory

- (1) Before a patent, lease or licence of occupation of a mining claim in unsurveyed territory is applied for, the claim shall be surveyed by an Ontario land surveyor at the expense of the applicant, but no survey of a mining claim, except a perimeter survey consented to by the Minister under subsection 3, shall be made without the written consent of the recorder.

R.S.O. 1960,  
c. 241, s. 109,  
amended

(2) The said section 109 is amended by adding thereto the following subsections:

Perimeter  
survey

- (3) Where two or more mining claims in unsurveyed territory are contiguous and are recorded in the same name, the Minister may, in special circumstances and upon application therefor, consent to a perimeter survey being made of the circumference of the contiguous claims in lieu of a survey under subsection 1.

Minister  
to issue  
written  
instructions

- (4) Where the Minister consents to a perimeter survey being made under subsection 3, he shall issue written instructions prescribing its conduct and filing.

Application  
of s. 84,  
subs. 1-4

- (5) Subsections 1, 2, 3 and 4 of section 84 apply *mutatis mutandis* in the case of a perimeter survey except that a perimeter survey counts as ten days work on each claim in the group.

SECTION 31. The amendment is complementary to section 28 of this Bill.

SECTION 32. The new subsection confirms that the owner of a mining claim has a right of access to the claim where the surface rights have been disposed of after the claim was staked.

SECTION 33—Subsection 1. The amendment is for purposes of clarification.

Subsection 2. The new subsections, which implement a recommendation of the 1961 Mines Ministers' Conference, provide for perimeter surveys in unsurveyed territory.

2. The amendment is for purposes of clarification.

3. The amendment is for purposes of clarification.

4. The amendment is for purposes of clarification.

5. The amendment is for purposes of clarification.

6. The amendment is for purposes of clarification.

7. The amendment is for purposes of clarification.

8. The amendment is for purposes of clarification.

9. The amendment is for purposes of clarification.

**SECTION 34. The amendment is for purposes of clarification.**

10. The amendment is for purposes of clarification.

11. The amendment is for purposes of clarification.



- (6) Where a perimeter survey is made under subsection 3, the price or rental shall be computed on the total area of the claims within the perimeter survey, and, where the average area of the claims within the perimeter survey exceeds by more than five acres the area prescribed for a mining claim in section 51, the price or rental for the area in excess of that so prescribed is twice the price or rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area. <sup>Price or rental where area exceeds prescribed area</sup>
- (7) Where additional work is required under subsection 6, the Minister may prescribe the time within which such work is to be performed and recorded, and application for patent or lease shall be made within the time so prescribed. <sup>Where additional work is required</sup>
- (8) Before a perimeter survey is made, the mining claims proposed to be included in the perimeter survey shall be inspected by an inspector or other officer of the Department who shall prepare and submit to the Minister a report and plan showing the claim posts, legible markings, metal tags, claim lines and any other data useful in determining whether the claims have been properly staked out on the ground, and the survey shall not be directed to be made unless the Minister is satisfied that the requirements of this Act have been complied with. <sup>Mining claims to be inspected before perimeter survey made</sup>
- (9) The fee for an inspection under subsection 8 is \$5 <sup>Fee</sup> per claim, payable in advance, and the Minister may require the applicant to provide the inspector with suitable transportation to the location of the claims.
- (10) Where, after a perimeter survey has been made, one or more of the claims within the perimeter survey is cancelled for any reason or where the holder of a recorded interest ceases to be the holder of an undivided interest in the whole, the survey is void, and thereupon the recorder shall cancel the entry on the record and he shall also cancel the work recorded on account of the survey. <sup>Cancellation of work</sup>

**34.** Section 110 of *The Mining Act* is amended by inserting after "patent" in the first line "lease or licence of occupation", so that the section shall read as follows: <sup>R.S.O. 1960, c. 241, s. 110, amended</sup>

110. Where, upon an application for a patent, lease or licence of occupation of a mining claim in surveyed territory, the Minister is of opinion that a survey is necessary, he may direct that a survey thereof be <sup>Minister may direct survey of claim in surveyed territory</sup>



made at the expense of the applicant, and the survey, unless otherwise ordered, shall comply with the same requirements as a survey of a mining claim in unsurveyed territory.

R.S.O. 1960,  
c. 241, s. 112,  
amended

**35.** Section 112 of *The Mining Act* is amended by adding thereto the following subsection:

Minister  
may direct  
recording  
of work on  
expenditure  
basis

- (2) Where the Minister is satisfied that a mining claim is a Placer Mining Claim under subsection 1, and upon application to him by the licensee, he may direct the recording of work on an expenditure basis, if proof of the actual cost is submitted to him and is accepted by him and if he is satisfied with the type of work and the manner of execution, but the maximum credit for any expenditure shall be one day's work for each \$15 so spent.

R.S.O. 1960,  
c. 241,  
Part IV,  
amended

**36.** Part IV of *The Mining Act* is amended by adding thereto the following section:

Regulations

116. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore for and leases to produce natural gas and petroleum from Crown lands lying south and east of the River Mattawa, Lake Nipissing and the French River, including,

- (a) fees, rents and royalties payable in respect thereof; and
- (b) the bonding of licensees and the conditions of forfeiture of bonds.

R.S.O. 1960,  
c. 241,  
Part V,  
re-enacted;  
Part VI,  
repealed

**37.** Parts V and VI of *The Mining Act* are repealed and the following substituted therefor:

## PART V

### EXPLORATORY LICENCES AND DREDGING LEASES

Regulations

117. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore and leases to dredge or work in any river, stream or lake or lands not covered by water for the purpose of recovering therefrom alluvial gold, platinum, precious stones or any other valuable mineral not in place.

R.S.O. 1960,  
c. 241, s. 134,  
amended

**38.** Section 134 of *The Mining Act* is amended by adding thereto the following subsection:

SECTION 35. The new subsection provides a means of recording work on placer claims on an expenditure basis.

SECTION 36. The new section 116 provides for the issue of licences and leases in respect of oil and gas in those parts of southern Ontario that are not dealt with elsewhere in Part IV of the Act.

SECTION 37. Part V is re-enacted to provide for exploratory licences as well as dredging leases. Part VI, which concerned mining partnerships formed before the 2nd day of April, 1931, is obsolete and is therefore repealed.

SECTION 38. The new subsections clarify the authority of the recorder.

SECTION 39. The provision authorizing the recorder to allow fees and conduct money is deleted.

SECTION 40. The amendment is for the purpose of clarification.

SECTION 41. The section as re-enacted provides that, where lands that include surface rights are surrendered or forfeited or declared to be open for disposition under the Act, such lands are also open for disposition under *The Public Lands Act* or any other Act administered by the Minister of Lands and Forests.

SECTION 42. The amendment is for purposes of clarification. It is complementary to section 46 of this Bill.

- (6) Where he is satisfied that there is substantial compliance with the provisions of this Act, the recorder may make an order directing a holder, Recorder may order the removal of witness posts, etc.

(a) to move, remove or alter corner posts and witness posts and the writing or inscribing thereon;

(b) to move or alter claim lines; or

(c) to replace metal tags that have been removed or destroyed after having been affixed to the corner posts,

and the recorder shall set out in the order the time within which the work shall be completed and reported to him.

- (7) Where the work prescribed in an order under subsection 6 has not been completed within the time set out in the order, the recorder may cancel the claim or claims on which the work was to have been done and shall, by registered letter, mailed not later than the next day after the cancellation, notify the holder of his action and the reason therefor Recorder may cancel claim

**39.** Section 136 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 136, repealed

**40.** Part XII of *The Mining Act* is amended by adding thereto the following section: R.S.O. 1960, c. 241, Part XII, amended

641a. In this Part, "active service" means active service as determined under the *National Defence Act* (Canada). Interpretation R.S.C. 1952, c. 184

**41.** Section 652 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 652, re-enacted

652. Where lands that include surface rights revert or re-vest or are surrendered or forfeited under this Act or are declared to be open for disposition under this Act, such lands may be dealt with under *The Public Lands Act*, or any other Act administered by the Minister of Lands and Forests, or the regulations made thereunder. Surface rights on lands forfeited or surrendered R.S.O. 1960, c. 324

**42.** Subsection 2 of section 653 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 653, subs. 2, re-enacted

- (2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and all such rents or expenditures have been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the rents Procedure to enforce claim for payment of rents or expenditures by one co-owner against another



or expenditures for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the rents or met the expenditures for the period of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the rents or expenditures to the co-owner or co-owners who has or have paid all the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

R.S.O. 1960,  
c. 241, s. 656,  
re-enacted

**43.** Section 656 of *The Mining Act* is repealed and the following substituted therefor:

Lands  
forfeited  
to Crown  
R.S.O. 1960,  
cc. 71, 246

656.—(1) Where mining lands or mining rights are forfeited to the Crown under *The Corporations Act* or *The Mortmain and Charitable Uses Act*, or any predecessor thereof, the Minister may cause to be registered in the proper land titles or registry office a notice stating that forfeiture has been effected under that Act and that by reason of such forfeiture the lands or mining rights, and every interest therein, are forfeited to and vested in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture, and, subject to subsection 2, such lands shall be dealt with under this Act.

Opening  
forfeited  
lands,  
etc., for  
prospecting

(2) Mining lands or mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241,  
ss. 665, 666,  
repealed

**44.** Sections 665 and 666 of *The Mining Act* are repealed.

R.S.O. 1960,  
c. 241, s. 668,  
amended

**45.** Section 668 of *The Mining Act* is amended by striking out "665, 666" in the first line, so that the section shall read as follows:

Liability  
for tax  
though not  
on roll

668. Notwithstanding sections 664 and 667, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided in this Part.



SECTION 43. The section is re-enacted for purposes of clarification.

SECTION 44. The sections repealed, which deal with the time for sending and the delivery of tax bills, are over-ridden by section 668 of the Act, and their repeal clears up an apparent conflict with section 668. There will be no change in the practice of billing.

SECTION 45. Complementary to section 44 of this Bill. The intent is clarified. No change in principle.

**SECTION 46.** The subsection is re-enacted for purposes of clarification.

**SECTION 47.** The amendments are designed to facilitate administration.

46. Subsection 1 of section 670 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 670,  
subs. 1,  
re-enacted

- (1) Where lands or mining rights liable for acreage tax are held by two or more co-owners and all such tax has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the tax for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the tax for the period of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the tax to the co-owner or co-owners who has or have paid all the tax, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

Procedure  
to enforce  
claim for  
payment  
of taxes  
by one  
co-owner  
against  
another

47.—(1) Subsection 1 of section 671 of *The Mining Act* is amended by striking out "1st day of October and the 31st day of December" in the second line and inserting in lieu thereof "1st day of January and the 31st day of March" and by striking out "April" in the fifth line and inserting in lieu thereof "June", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 241, s. 671,  
subs. 1,  
amended

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that, unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$5 for each property.

Defaulters'  
list and  
notice of  
forfeiture

R.S.O. 1960,  
c. 241, s. 671,  
subs. 2,  
amended

(2) Subsection 2 of the said section 671 is amended by striking out "31st day of May" in the first line and inserting in lieu thereof "15th day of July", so that the subsection shall read as follows:

Publication  
of list  
and notice

(2) Not later than the 15th day of July in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that, unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 4,  
amended

(3) Subsection 4 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the third and fourth lines, so that the subsection shall read as follows:

Not open  
for staking

(4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 7,  
amended

(4) Subsection 7 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the fifth line, so that the subsection shall read as follows:

Opening  
forfeited  
lands, etc.,  
for  
prospecting

(7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year are open for prospecting, staking out, sale or lease under this Act at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

R.S.O. 1960,  
c. 241, s. 673,  
repealed

48. Section 673 of *The Mining Act* is repealed.

R.S.O. 1960,  
c. 241,  
Sched.,  
amended

49. The Schedule to *The Mining Act* is amended by adding thereto the following items:

- |  |        |
|--|--------|
| 27. For consenting to the transfer of a mining lease or any document relating to a lease.....                          | \$1.00 |
| 28. For consenting to the transfer of a licence of occupation or any document relating to a licence of occupation..... | 2.00   |



SECTION 48. Complementary to section 19 of this Bill.

SECTION 49. Self-explanatory.



SECTION 50. This new section validates forfeitures to date.

**50.** Every forfeiture of lands and mining rights heretofore made under Part XIII of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void. <sup>Previous forfeitures validated</sup>

**51.**—(1) This Act, except section 47, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Section 47 comes into force on the 1st day of August, 1963. <sup>Idem</sup>

**52.** This Act may be cited as *The Mining Amendment Act*, 1962-63. <sup>Short title</sup>

An Act to amend The Mining Act

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*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

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MR. WARDROPE

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*(Reprinted as amended by the  
Committee on Mining)*

# **BILL 78**

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## **An Act to amend The Mining Act**

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MR. WARDROPE

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**TORONTO**

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BILL 78

1962-63

## An Act to amend The Mining Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 241, s. 1,  
amended

2a. "Crown" means Crown in right of Ontario.

(2) Paragraph 8 of the said section 1 is amended by adding at the end thereof "and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry", so that the paragraph shall read as follows: R.S.O. 1960  
c. 241, s. 1,  
para. 8,  
amended

8. "inspector" includes "engineer", as defined in clause *b* of subsection 1 of section 161, and a geologist on the staff of the Department, and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry.

2. Subsection 2 of section 2 of *The Mining Act* is repealed. R.S.O. 1960  
c. 241, s. 2,  
subs. 2,  
repealed

3.—(1) Subsection 1 of section 8 of *The Mining Act* is amended by striking out "a Provincial Geologist, a Provincial Assayer, one or more inspectors, and such other" in the second and third lines and inserting in lieu thereof "such", so that the subsection shall read as follows: R.S.O. 1960,  
c. 241, s. 8,  
subs. 1,  
amended

(1) The Lieutenant Governor in Council may appoint such officers and agents as he deems necessary, who shall be officers of the Department and shall perform such duties as are assigned to them by this Act or by the regulations. Officers  
and agents,  
appointment

(2) Subsection 2 of the said section 8 is repealed.

R.S.O. 1960,  
c. 241, s. 8,  
subs. 2,  
repealed

R.S.O. 1960,  
c. 241, s. 14,  
subs. 1,  
amended

4. Subsection 1 of section 14 of *The Mining Act* is amended by striking out "Crown" in the third line and inserting in lieu thereof "mining" and by inserting after "claims" in the fourth line "situate in Ontario", so that the subsection shall read as follows:

Officers not  
to be  
interested  
in mining  
lands or  
claims  
situate in  
Ontario

- (1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any mining lands, mining rights or mining claims situate in Ontario, and any such purchase or interest is void.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 1,  
amended

5.—(1) Subsection 1 of section 16 of *The Mining Act* is amended by striking out "the Provincial Geologist, the Provincial Assayer, or an inspector, recorder or other officer" in the third and fourth lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Certain  
officers not  
to be sub-  
poenaed  
without  
order or  
direction

- (1) A subpoena shall not issue out of any court requiring the attendance of the Deputy Minister, the Commissioner or any officer or agent of the Department, or the production of any document in the official custody or possession of any of them, without an order of the court or a judge thereof or, in matters before the Commissioner, without a direction of the Commissioner.

R.S.O. 1960,  
c. 241, s. 16,  
subs. 2,  
amended

(2) Subsection 2 of the said section 16 is amended by striking out "the Provincial Geologist, the Provincial Assayer, and an inspector, recorder or other officer" in the first, second and third lines and inserting in lieu thereof "or any officer or agent of the Department", so that the subsection shall read as follows:

Privilege as  
to official  
information

- (2) The Deputy Minister, the Commissioner or any officer or agent of the Department is not bound to disclose any information obtained by him in his official capacity that a member of the Executive Council certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged, and all such information is privileged.

R.S.O. 1960,  
c. 241, s. 20,  
re-enacted

6. Section 20 of *The Mining Act* is repealed and the following substituted therefor:

Certain  
documents  
filed in  
recorder's  
office

- 20.—(1) Except as in this Act otherwise provided, the recorder's office is the proper office for filing and recording all applications, documents and other

instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest that may be acquired under this Act respecting an unpatented mining claim, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but, after patent, *The Land Titles Act* or *The Registry Act*, as the case may be, applies. R.S.O. 1960,  
cc. 204, 348

- (2) Except as in this Act otherwise provided, the Minister's office is the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any mining licence of occupation or any right, privilege or interest that may be acquired under this Act respecting a mining licence of occupation, or affecting any grant under this Act or the regulations that is not a grant that may be registered under *The Land Titles Act* or *The Registry Act* or affecting any right, privilege or interest that may be acquired under this Act respecting such a grant, and the Minister may authorize an officer or officers to receive, scrutinize, approve and record any such applications, documents and other instruments. Certain documents  
filed in  
Minister's  
office

7. Clause *b* of subsection 8 of section 24 of *The Mining Act* is amended by striking out "X" in the third line and inserting in lieu thereof "IX", so that the clause shall read as follows: R.S.O. 1960,  
c. 241,  
s. 24, subs. 8,  
cl. b,  
amended

- (b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act*; R.S.O. 1960,  
c. 71  
or

8. Subsection 1 of section 28 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 28,  
subs. 1,  
re-enacted

- (1) If a miner's licence is accidentally destroyed or lost, the holder may, Accidental  
destruction  
or loss of  
licence

(a) upon proof by statutory declaration that the original has been destroyed or lost and setting out the circumstances thereof; and

(b) upon payment of the prescribed fee,

obtain a duplicate thereof from the office of the Minister, Deputy Minister or any recorder.



R.S.O. 1960,  
c. 241, s. 37,  
cls. b, c,  
re-enacted

9. Clauses *b* and *c* of section 37 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 324

(b) for which a *bona fide* application is pending in the Department of Lands and Forests under *The Public Lands Act*, or otherwise, and the applicant may acquire the minerals; or

(c) where the surface rights have been subdivided, surveyed, sold or otherwise disposed of by the Department of Lands and Forests for summer resort purposes, except where the Minister of Mines certifies in writing that in his opinion discovery of valuable mineral in place has been made; or

. . . . .

R.S.O. 1960,  
c. 241, s. 39,  
subs. 1,  
amended

10.—(1) Subsection 1 of section 39 of *The Mining Act* is amended by inserting after “lessee” in the tenth line “purchaser”, so that the subsection shall read as follows:

Lands used  
or occupied  
as gardens,  
etc.

(1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person or company shall prospect for minerals or stake out a mining claim upon the part of a lot that is used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such prospecting are growing, or on the part of a lot upon which is situated a spring, artificial reservoir, dam or waterworks, or a dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee, purchaser or locatee of the surface rights, or by order of the recorder or the Commissioner, and upon such terms as to him seem just.

R.S.O. 1960,  
c. 241, s. 39,  
subs. 2,  
amended

(2) Subsection 2 of the said section 39 is amended by inserting after “lessee” in the second line “purchaser”, so that the subsection shall read as follows:

Disputes as  
to lands  
exempt

(2) If a dispute arises between the intending prospector and the owner, lessee, purchaser or locatee as to land that is exempt from prospecting or staking out under subsection 1, the recorder or the Commissioner shall determine the extent of the land that is so exempt.

R.S.O. 1960,  
c. 241, s. 47,  
subs. 1,  
amended

11.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by adding at the commencement thereof “Except as provided in section 100b”, so that the subsection shall read as follows:

- (1) Except as provided in section 100*b*, mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year. Mining lands in provincial forest not to be sold
- (2) Subsection 5 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 47, subs. 5, re-enacted
- (5) Where a lease has not been renewed under subsection 2 or has been terminated under subsection 4, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the land included in such lease is reverted in the Crown freed and discharged from every claim. Notice of termination of lease
- (3) The said section 47 is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 47, amended
- (7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar shall note that fact in his register in red ink. R.S.O. 1960, c. 204, s. 48, not to apply to forfeited lands
- (8) Subject to subsection 1 of section 100*a*, this section applies only to leases for which application is made on or before the 1st day of September, 1963. Application
- (9) The holder of a lease to which this section applies may, upon application in writing therefor and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section. Lessee may be issued lease under s. 100*a*

**12.—**(1) Section 52 of *The Mining Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 241, s. 52, amended



Crown  
reservation

- (4a) Where a claim is traversed by a highway or road constructed or maintained by the Department of Highways, there may be reserved for the Crown the surface rights not exceeding 300 feet in width along both sides of the highway or road, such reservation to be measured from the outside limits of the right of way of the highway or road.

Application  
of Crown  
reservation  
to un-  
patented  
mining  
claims

- (4b) The reservations of surface rights authorized by subsections 4 and 4a shall be deemed to apply to and to have been made on all unpatented mining claims unless such reservation or reservations are waived by the Minister.

R.S.O. 1960,  
c. 241, s. 52,  
subs. 7, 8,  
re-enacted

- (2) Subsections 7 and 8 of the said section 52 are repealed and the following substituted therefor:

Application  
of s. 47,  
subs. 2-9

- (7) Subsections 2, 3, 4, 5, 6, 7, 8 and 9 of section 47 apply *mutatis mutandis* to such leases.

Termination  
of licence of  
occupation

- (8) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims of the licensee, his successors or assigns, in or to the lands covered by the licence, cease, but the lands or mining rights contained therein are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, at least two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241, s. 52,  
amended

- (3) The said section 52 is further amended by adding thereto the following subsection:

Consent to  
transfer of  
licence

- (10) A licence or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him.

R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. b,  
amended

- 13.**—(1) Clause *b* of subsection 1 of section 55 of *The Mining Act* is amended by striking out “placing” in the first line and inserting in lieu thereof “otherwise inscribing”, so that the clause shall read as follows:

- (b) by writing or otherwise inscribing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number.

(2) Clause *c* of subsection 1 of the said section 55 is amended by striking out "placing" in the first line and inserting in lieu thereof "otherwise inscribing", so that the clause shall read as follows:

R.S.O. 1960,  
c. 241, s. 55,  
subs. 1, cl. *c*,  
amended

- (*c*) by writing or otherwise inscribing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

(3) The said section 55 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 241, s. 55,  
amended

- (6) Notwithstanding section 58, the writing or inscribing required on the posts by clauses *b* and *c* of subsection 1 shall be done, at the time that the posts are erected, by the licensee staking out the mining claim.

Writing done  
by licensee  
at time of  
erection  
of posts

14. Subsection 7 of section 62 of *The Mining Act* is amended by inserting after "section 92" in the fourth line "or by the recorder under section 86", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 241, s. 62,  
subs. 7,  
amended

- (7) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as is authorized by the Commissioner under section 92 or by the recorder under section 86, the recorder shall cancel the claim and shall by registered letter mailed not later than the next day notify the holder thereof of his action and the reason therefor.

Cancellation  
of claim  
where metal  
tags not  
affixed

15. Section 64 of *The Mining Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 241, s. 64,  
amended

- (6) Where the prescribed fee has been paid for filing a dispute under subsection 1, such fee shall be deemed to include the fee for filing any order or orders settling the dispute.

Fee includes  
fee for filing  
order

16. Section 65 of *The Mining Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 241, s. 65,  
amended

- (2) Where a claim forms part of a group of claims that have been included in a perimeter survey as provided in subsection 3 of section 109, the recorder shall not issue a certificate of record unless application is made for patent or lease and the price or rental has been paid.

Certificate  
of record  
where claim  
included in  
perimeter  
survey

R.S.O. 1960, c. 241, amended **17.** *The Mining Act* is amended by adding thereto the following section:

Surface rights on unpatented mining claim

68a.—(1) Except as in this Act otherwise provided, the holder of an unpatented mining claim has the right prior to any subsequent right to the user of the surface rights for prospecting and the efficient exploration, development and operation of the mines, minerals and mining rights.

Disposition of surface rights

R.S.O. 1960, c. 324

(2) Where the holder of an unpatented mining claim consents to the disposition of surface rights under *The Public Lands Act*, the recorder shall make an entry on the record of the claim respecting the consent, and thereupon the surface rights may be dealt with as provided in *The Public Lands Act*.

Survey of surface rights

(3) Where the holder of an unpatented mining claim consents to the disposition of surface rights under subsection 2, the Minister may require a survey of such surface rights, and the survey shall be provided at the expense of the person who has acquired the surface rights.

Where holder does not consent to disposition of surface rights

(4) Where an application is made for disposition under *The Public Lands Act* of surface rights on an unpatented mining claim and the holder of the unpatented mining claim does not consent to the disposition and provision for the reservation or exclusion of the surface rights is not otherwise provided for in this Act or any other Act, the Minister may refer the application to the Commissioner.

Where application referred to Commissioner

(5) Where an application under subsection 4 is referred to the Commissioner, he shall, upon giving all interested persons at least ninety days notice and after hearing such interested persons as appear, make an order based on the merits of the application.

R.S.O. 1960, c. 241, s. 69, subs. 1, amended

**18.** Subsection 1 of section 69 of *The Mining Act* is amended by striking out "Provincial Assayer" in the sixth line and inserting in lieu thereof "Chief, Laboratory Branch, Department of Mines", so that the subsection shall read as follows:

Free assays

(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Chief,



Laboratory Branch, Department of Mines, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year.

**19.** Section 70 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 70,  
re-enacted

70.—(1) Where the holder, licensee, lessee or owner of a mining claim, mining lands or mining rights abandons or surrenders the claim, lands or rights or where the mining claim, mining lands or mining rights are cancelled or forfeited under this Act or any other Act or the regulations thereunder, he may take from the claim, lands or rights any buildings, structures, machinery, chattels, personal property and, except in the case of an unpatented mining claim, any ore or mineral he has extracted therefrom belonging to him and any slimes or tailings not otherwise owned, within six months after the abandonment, surrender, cancellation or forfeiture or within such further time as is fixed by the Commissioner, and, in default of so doing, all such buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings belong to the Crown and may be sold or otherwise disposed of by the Minister upon such terms and conditions as he deems expedient.

(2) The staking or recording of a mining claim does not confer upon the licensee any right respecting buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings acquired by the Crown under subsection 1. Where claim,  
lands or  
rights  
abandoned,  
etc.  
  
Licensee has  
no rights in  
buildings,  
etc.,  
acquired  
by Crown

**20.** Section 72 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 241, s. 72,  
re-enacted

72.—(1) Where land is staked out and applied for as a mining claim and it appears that the land is being used other than as mining land or for a purpose other than that of the mineral industry, the Minister may direct the Commissioner to hold a hearing. Improper  
use of  
land

(2) Where, upon notice to all persons interested and after hearing such of them as appear, the Commissioner is satisfied that the land is being used other than as mining land or for a purpose other than that of the mineral industry, he may make an order cancelling the claim, and, on the filing of the order Cancellation  
of claim

with the recorder for the mining division in which the land is situate, the claim is cancelled and annulled, and the land may be dealt with as provided in this Act.

R.S.O. 1960,  
c. 241, s. 76,  
subs. 1,  
amended

**21.** Subsection 1 of section 76 of *The Mining Act* is amended by striking out "in the name of" in the fourth and fifth lines and inserting in lieu thereof "by" and by striking out "or in whose name" in the seventh and eighth lines, so that the subsection shall read as follows:

Agreements  
and  
transfers  
necessary  
in writing

- (1) No person is entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done by another person unless the fact that the first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom the staking out or recording was done or the evidence of the first-mentioned person is corroborated by some other material evidence, and, where a right or interest is so made to appear, *The Statute of Frauds* does not apply.

R.S.O. 1960,  
c. 381

**22.** Section 81 of *The Mining Act* is amended by adding thereto the following subsections:

Transfer,  
etc., deemed  
to be  
recorded  
when  
received in  
office of  
recorder

- (2) Any transfer or other instrument proper to be recorded shall, if all requirements for recording have been met, be deemed to have been recorded at the time that it was received in the office of the recorder, notwithstanding that such transfer or other instrument may not have been immediately entered in the record book.

Filing  
after the  
prescribed  
time

- (3) Where a document is required to be filed with or a fee is required to be paid to a recorder and the document or fee is sent by mail and is received in the office of the recorder after the prescribed time, the recorder may accept the document or fee upon evidence that it was mailed within the prescribed time and that there is no adverse interest.

R.S.O. 1960,  
c. 241, s. 82,  
amended

**23.** Section 82 of *The Mining Act* is amended by adding thereto the following subsection:

Fee for  
filing  
certificate  
includes fee  
for filing  
order

- (10) Where the prescribed fee has been paid for filing a certificate under subsection 2, the fee shall be deemed to include the fee for filing any order or orders made by the Commissioner in the proceeding.



**24.** Section 85 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 85, re-enacted

85.—(1) In computing the time within which work upon a mining claim is required to be performed, Computing time for performance of work conditions

(a) all time which by an order in council or regulation is excluded;

(b) if a permit under *The Forest Fires Prevention Act*, which is necessary for the beginning or carrying on of the work under this Act, is refused or the performance of such work is prohibited under that Act, the time during which such refusal or prohibition subsists, if the holder provides the recorder with satisfactory evidence of such prohibition; R.S.O. 1960, c. 152

(c) time during which proceedings concerning the claim are pending, where the Commissioner or recorder is satisfied that any delay in settling the matter is not the fault of the holder,

shall be excluded.

(2) Where time is excluded under subsection 1, the Commissioner may make an order prescribing the date or dates by which the next or any subsequent periods of work shall be performed and reported. Order by Commissioner

**25.** Subsection 2 of section 87 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 87, subs. 2, repealed

**26.**—(1) Subsection 1 of section 92 of *The Mining Act* is amended by inserting after "under" in the first line "sub-section 7 of section 62 or", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 241, s. 92, subs. 1, amended

(1) Where forfeiture or loss of rights occurs under sub-section 7 of section 62 or subsection 1 of section 91 and, Relief against forfeiture

. . . . .

(2) Subsection 1 of the said section 92 is further amended by adding thereto the following clause: R.S.O. 1960, c. 241, s. 92, subs. 1, amended

(e) where the metal tags have not been affixed to the corner posts of the claim within the time prescribed in subsection 5 of section 62, the Commissioner may make an order, upon such terms as he considers just, relieving the claim from forfeiture and granting an

extension of the time for affixing the metal tags to the corner posts, but only one such extension shall be granted, and, where the Commissioner extends the time for affixing metal tags beyond the first anniversary of the date of recording of the claim, the holder of the claim shall pay to the recorder, in addition to the fee prescribed in the Schedule, a fee of \$5 a claim for each year or part of a year of the extension beyond the anniversary date.

R.S.O. 1960,  
c. 241, s. 92,  
amended

(3) The said section 92 is amended by adding thereto the following subsections:

Filing of  
relief from  
forfeiture  
order

(9) Notwithstanding subsection 7, an order made by the Commissioner under clause *a* of subsection 1 may be filed in the office of any recorder, but such order does not come into force until it is so filed and until the prescribed fees are paid.

No fee for  
special  
renewal of  
licence under  
s. 27, subs. 5

(10) Notwithstanding clause *a* of subsection 1, no fee is payable for a special renewal of a licence issued under subsection 5 of section 27.

R.S.O. 1960,  
c. 241, s. 100,  
subs. 5,  
re-enacted

**27.** Subsection 5 of section 100 of *The Mining Act* is repealed and the following substituted therefor:

Application  
of s. 47,  
subss. 3-7

(5) Subsections 3, 4, 5, 6 and 7 of section 47 apply *mutatis mutandis* to leases and renewals thereof under subsections 3 and 4.

Application

(6) Subject to subsection 1 of section 100*a*, this section applies only to patents and leases for which application is made on or before the 1st day of September, 1963.

Lease under  
s. 100*a*

(7) The holder of a lease to which this section applies may, upon application therefor in writing and upon the surrender of his lease, be issued a lease under section 100*a*, and the rental for each year in the term of the lease shall be that prescribed by section 100*a* for years subsequent to the first year of a term under that section.

R.S.O. 1960,  
c. 241,  
amended

**28.** *The Mining Act* is amended by adding thereto the following sections:

Application

100*a*.—(1) This section,

(*a*) may, at the election of the applicant, apply to a lease applied for on or before the 1st day of September, 1963; and

- (b) shall apply to a lease applied for after the 1st day of September, 1963.
- (2) Upon compliance with this Act and upon payment of the rent for the first year, the holder of a mining claim is entitled to a lease of the claim. <sup>Right to lease of claim</sup>
  - (3) The application and payment for a lease shall be made to the recorder within one year from the date upon which all work on a mining claim is required to be performed, and the application shall be accompanied by a certificate of record as provided in section 65 and a certificate of the complete performance of working conditions as provided in subsection 4 of section 83. <sup>Application for lease</sup>
  - (4) A lease under this section shall be for a term of twenty-one years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year. <sup>Term of lease</sup>
  - (5) The holder of a mining claim may elect to apply for a lease of the mining rights only. <sup>Lease of mining rights</sup>
  - (6) Where a lease under this section is for the mining rights only, the rental is \$1 an acre for the first year and 10 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$4 for each subsequent year. <sup>Rental</sup>
  - (7) Where the surface rights on part of a claim are excluded in a lease under this section, the rental prescribed in subsection 4 applies to the part of the claim including the surface rights, and the rental prescribed in subsection 6 applies to the part of the claim excluding the surface rights, but the total rental shall not be less than the minimum rental prescribed in subsection 4. <sup>Rental where surface rights on part of claim excluded</sup>
  - (8) Subject to subsections 10, 11 and 12, every lease under this section may be renewed for further terms of twenty-one years, and the renewal shall be dated from the day following the expiration of the lease or the last renewal thereof, but application for renewal shall be made within ninety days of the expiry of the lease or last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper. <sup>Lease renewable</sup>



Rental for renewed lease

- (9) The rentals and minimum rentals prescribed for years subsequent to the first year in subsections 4, 6 and 7 apply to the first and subsequent years of renewal leases.

Minister may refuse to renew lease

- (10) The Minister may refuse to renew a lease issued under this section or may require the applicant to show cause why a renewal should be granted.

Application referred to Commissioner

- (11) The Minister may refer an application for renewal of a lease to the Commissioner, who shall, upon notice to all interested persons and after hearing such of them as appear, report to the Minister thereon with his recommendations.

Termination of lease for arrears of rent

- (12) Where payment of the rental under any such lease is in arrears for two years or more, the lease may be terminated by an instrument in writing.

Notice of termination of lease

- (13) Where application for renewal of a lease is not made within the time prescribed by subsection 8 or where a renewal of a lease is refused under subsection 10 or where a lease has been terminated under subsection 12, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the local master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the lands included in such lease are re-vested in the Crown freed and discharged from every claim.

Registration of notice of termination  
R.S.O. 1960,  
cc. 204, 348

- (14) Upon registration of the notice in the proper land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the local master of titles or the registrar of the registration division shall note that fact in his register in red ink.

Lands vested in Crown on termination of lease

- (15) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out or leasing until re-opened by the Lieutenant Governor in Council.

- (16) A lease or renewal thereof or the term or terms <sup>Transfer of lease or renewal</sup> thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him.
- (17) Any surface rights reserved in a lease or renewal <sup>Disposition of surface rights reserved in a lease or renewal</sup> thereof may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder. R.S.O. 1960, c. 324
- 100b.—(1) Subject to subsection 3, where a holder of a lease <sup>Right to patent</sup> issued under section 47, 100 or 100a produces evidence, satisfactory to the Minister, that he is producing mineral in substantial quantities and production has been continuous for more than one year, he is entitled, upon application in writing therefor and upon the surrender of his lease, to a patent of the lands or mining rights held under lease.
- (2) Application for a patent shall be in the prescribed <sup>Application for patent</sup> form and shall be accompanied by the purchase price at the rate of \$10 an acre for both surface and mining rights or \$5 an acre for the mining rights only, as the case may be.
- (3) Where land consists of land under navigable water, <sup>Lease of land under navigable water</sup> a patent shall not be granted, but, upon application therefor in writing and upon the surrender of his lease, the lessee is entitled to a new lease renewable in perpetuity for periods of twenty-one years, and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister, in the circumstances of the case, deems proper.
- (4) The rental for a lease or renewal lease under sub- <sup>Rental</sup> section 3 shall be as prescribed in subsection 9 of section 100a.
- (5) Subsections 12, 13, 14, 15 and 16 of section 100a <sup>Application of sec. 100a</sup> apply *mutatis mutandis* to leases and renewals thereof under this section.

100c.—(1) Where the lessee or owner of mining rights, or <sup>Lease of surface rights</sup> the holder of a mining licence of occupation, requires the use of surface rights lying within or outside the



limits of lands for which he has a lease, patent or licence of occupation for the mining rights for the disposal of tailings or waste material or for the erection of a shaft or buildings for mining or mining purposes, or for any other purpose essential to mining or mining exploration, the Minister may lease to him any available surface rights.

Application  
for lease of  
surface  
rights

- (2) Application for a lease of surface rights shall be made in writing to the Minister in the prescribed form, and the applicant shall furnish such particulars as the Minister requires, including,

- (a) a statement of the particular purposes for which the surface rights are to be used;
- (b) an adequate description and plan or sketch of the area applied for;
- (c) the first year's rental; and
- (d) proof of ownership, or, in the case of a licence of occupation, proof that the applicant is the holder of the licence of occupation, of the mining lands or mining rights that are the basis of the application.

Survey

- (3) The Minister may require the applicant to furnish a survey by an Ontario land surveyor, and the cost of the survey shall be borne by the applicant.

Rental

- (4) The annual rental of a lease or renewal under this section is \$1 an acre, payable in advance.

Term of  
lease

- (5) A lease issued under this section shall be for a term of twenty-one years, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the term shall be conterminous with the mining lease.

Application  
of s. 100a,  
subss. 8,  
10-16

- (6) Subsections 8, 10, 11, 12, 13, 14, 15 and 16 of section 100a apply *mutatis mutandis* to leases issued under this section, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the renewal term shall be conterminous with the mining lease.

Termination  
of lease  
where lands  
forfeited

- (7) Where the mining lands or mining rights that are the basis for a lease issued under this section are

revested in or are forfeited or revert to the Crown, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply.

- (8) Where the holder of a lease issued under this section ceases to be the holder of the lands or mining rights in respect of which the lease was issued, the lease is forfeited, and subsections 13, 14 and 15 of section 100a apply. Holder of lease and holder of land to be same person

- 100d. The lands, surface rights or mining rights held under a lease that has been or will be issued under this Act shall be used solely for the purposes of the mining industry, and, in default thereof and on the recommendation of the Commissioner, the Lieutenant Governor in Council may declare the lease void, and subsections 13, 14 and 15 of section 100a apply. Lease void where lands used other than for mining industry

**29.**—(1) Subsection 1 of section 101 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 101, subs. 1, repealed

(2) Notwithstanding subsection 1, subsection 1 of section 101 of *The Mining Act* continues to apply to patents to which section 100 of *The Mining Act* applies. Saving

**30.** Subsection 2 of section 102 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 102, subs. 2, re-enacted

- (2) Every patent or lease issued under this Act shall contain a reservation of the surface rights on and over any public or colonization road or any highway crossing the land granted or leased at the date of issue of the patent or lease. Reservation of surface rights

- (3) Subsections 1 and 2 do not apply to patents or leases of the mining rights only. Subss. 1, 2, not to apply to mining rights

- (4) Where a patent or lease has been issued under this Act or any predecessor thereof containing a reservation for road purposes of 5 per cent or of 10 per cent of the lands granted, and the Crown or its officers or agents did not occupy lands under such reservation, prior to the 1st day of May, 1963, for laying out and constructing roads, such reservation shall now read as a reservation of 5 per cent of the surface rights or 10 per cent of the surface rights, as the case may be. Reservation of land to read as reservation of surface rights

R.S.O. 1960,  
c. 241, s. 104,  
amended

**31.** Section 104 of *The Mining Act* is amended by adding thereto the following subsection:

Application

- (3) This section applies only to leases to which section 47, 52 or 100 applies and to patents issued under section 100.

R.S.O. 1960,  
c. 241, s. 105,  
amended

**32.** Section 105 of *The Mining Act* is amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1960,  
c. 66

- (2) Notwithstanding section 19 of *The Conveyancing and Law of Property Act*, where a patent or lease of a mining claim was or is issued under this Act on or after the 1st day of July, 1914, and the patent or lease reserves the surface rights, section 16 of *The Conveyancing and Law of Property Act* applies if the surface rights were the property of the Crown and were not applied for or occupied at the time that the mining claim was staked out and recorded.

R.S.O. 1960,  
c. 241, s. 109,  
subs. 1,  
re-enacted

**33.**—(1) Subsection 1 of section 109 of *The Mining Act* is repealed and the following substituted therefor:

When  
survey  
required in  
unsurveyed  
territory

- (1) Before a patent, lease or licence of occupation of a mining claim in unsurveyed territory is applied for, the claim shall be surveyed by an Ontario land surveyor at the expense of the applicant, but no survey of a mining claim, except a perimeter survey consented to by the Minister under subsection 3, shall be made without the written consent of the recorder.

R.S.O. 1960,  
c. 241, s. 109,  
amended

(2) The said section 109 is amended by adding thereto the following subsections:

Perimeter  
survey

- (3) Where two or more mining claims in unsurveyed territory are contiguous and are recorded in the same name, the Minister may, in special circumstances and upon application therefor, consent to a perimeter survey being made of the circumference of the contiguous claims in lieu of a survey under subsection 1.

Minister  
to issue  
written  
instructions

- (4) Where the Minister consents to a perimeter survey being made under subsection 3, he shall issue written instructions prescribing its conduct and filing.

Application  
of s. 84,  
subss. 1-4

- (5) Subsections 1, 2, 3 and 4 of section 84 apply *mutatis mutandis* in the case of a perimeter survey except that a perimeter survey counts as ten days work on each claim in the group.



- (6) Where a perimeter survey is made under subsection 3, the price or rental shall be computed on the total area of the claims within the perimeter survey, and, where the average area of the claims within the perimeter survey exceeds by more than five acres the area prescribed for a mining claim in section 51, the price or rental for the area in excess of that so prescribed is twice the price or rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area. <sup>Price or rental where area exceeds prescribed area</sup>
- (7) Where additional work is required under subsection 6, the Minister may prescribe the time within which such work is to be performed and recorded, and application for patent or lease shall be made within the time so prescribed. <sup>Where additional work is required</sup>
- (8) Before a perimeter survey is made, the mining claims proposed to be included in the perimeter survey shall be inspected by an inspector or other officer of the Department who shall prepare and submit to the Minister a report and plan showing the claim posts, legible markings, metal tags, claim lines and any other data useful in determining whether the claims have been properly staked out on the ground, and the survey shall not be directed to be made unless the Minister is satisfied that the requirements of this Act have been complied with. <sup>Mining claims to be inspected before perimeter survey made</sup>
- (9) The fee for an inspection under subsection 8 is \$5 <sup>Fee</sup> per claim, payable in advance, and the Minister may require the applicant to provide the inspector with suitable transportation to the location of the claims.
- (10) Where, after a perimeter survey has been made, one or more of the claims within the perimeter survey is cancelled for any reason or where the holder of a recorded interest ceases to be the holder of an undivided interest in the whole, the survey is void, and thereupon the recorder shall cancel the entry on the record and he shall also cancel the work recorded on account of the survey. <sup>Cancellation of work</sup>

**34.** Section 110 of *The Mining Act* is amended by inserting after "patent" in the first line "lease or licence of occupation", so that the section shall read as follows: <sup>R.S.O. 1960, c. 241, s. 110, amended</sup>

110. Where, upon an application for a patent, lease or licence of occupation of a mining claim in surveyed territory, the Minister is of opinion that a survey is necessary, he may direct that a survey thereof be <sup>Minister may direct survey of claim in surveyed territory</sup>

made at the expense of the applicant, and the survey, unless otherwise ordered, shall comply with the same requirements as a survey of a mining claim in unsurveyed territory.

R.S.O. 1960,  
c. 241, s. 112,  
amended

**35.** Section 112 of *The Mining Act* is amended by adding thereto the following subsection:

Minister  
may direct  
recording  
of work on  
expenditure  
basis

- (2) Where the Minister is satisfied that a mining claim is a Placer Mining Claim under subsection 1, and upon application to him by the licensee, he may direct the recording of work on an expenditure basis, if proof of the actual cost is submitted to him and is accepted by him and if he is satisfied with the type of work and the manner of execution, but the maximum credit for any expenditure shall be one day's work for each \$15 so spent.

R.S.O. 1960,  
c. 241,  
Part IV,  
amended

**36.** Part IV of *The Mining Act* is amended by adding thereto the following section:

Regulations

116. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore for and leases to produce natural gas and petroleum from Crown lands lying south and east of the River Mattawa, Lake Nipissing and the French River, including,

- (a) fees, rents and royalties payable in respect thereof; and
- (b) the bonding of licensees and the conditions of forfeiture of bonds.

R.S.O. 1960,  
c. 241,  
Part V,  
re-enacted;  
Part VI,  
repealed

**37.** Parts V and VI of *The Mining Act* are repealed and the following substituted therefor:

## PART V

### EXPLORATORY LICENCES AND DREDGING LEASES

Regulations

117. The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore and leases to dredge or work in any river, stream or lake or lands not covered by water for the purpose of recovering therefrom alluvial gold, platinum, precious stones or any other valuable mineral not in place.

R.S.O. 1960,  
c. 241, s. 134,  
amended

**38.** Section 134 of *The Mining Act* is amended by adding thereto the following subsection:



- (6) Where he is satisfied that there is substantial compliance with the provisions of this Act, the recorder may make an order directing a holder, Recorder may order the removal of witness posts, etc.

(a) to move, remove or alter corner posts and witness posts and the writing or inscribing thereon;

(b) to move or alter claim lines; or

(c) to replace metal tags that have been removed or destroyed after having been affixed to the corner posts,

and the recorder shall set out in the order the time within which the work shall be completed and reported to him.

- (7) Where the work prescribed in an order under subsection 6 has not been completed within the time set out in the order, the recorder may cancel the claim or claims on which the work was to have been done and shall, by registered letter, mailed not later than the next day after the cancellation, notify the holder of his action and the reason therefor Recorder may cancel claim

**39.** Section 136 of *The Mining Act* is repealed.

R.S.O. 1960, c. 241, s. 136, repealed

**40.** Part XII of *The Mining Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 241, Part XII, amended

641a. In this Part, "active service" means active service as determined under the *National Defence Act* (Canada).

Interpretation R.S.C. 1952, c. 184

**41.** Section 652 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 241, s. 652, re-enacted

652. Where lands that include surface rights revert or revest or are surrendered or forfeited under this Act or are declared to be open for disposition under this Act, such lands may be dealt with under *The Public Lands Act*, or any other Act administered by the Minister of Lands and Forests, or the regulations made thereunder. Surface rights on lands forfeited or surrendered R.S.O. 1960, c. 324

**42.** Subsection 2 of section 653 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 241, s. 653, subs. 2, re-enacted

- (2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and all such rents or expenditures have been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the rents Procedure to enforce claim for payment of rents or expenditures by one co-owner against another

or expenditures for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the rents or met the expenditures for the period of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the rents or expenditures to the co-owner or co-owners who has or have paid all the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

R.S.O. 1960,  
c. 241, s. 656,  
re-enacted

**43.** Section 656 of *The Mining Act* is repealed and the following substituted therefor:

Lands  
forfeited  
to Crown

R.S.O. 1960,  
oc. 71, 246

656.—(1) Where mining lands or mining rights are forfeited to the Crown under *The Corporations Act* or *The Mortmain and Charitable Uses Act*, or any predecessor thereof, the Minister may cause to be registered in the proper land titles or registry office a notice stating that forfeiture has been effected under that Act and that by reason of such forfeiture the lands or mining rights, and every interest therein, are forfeited to and vested in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture, and, subject to subsection 2, such lands shall be dealt with under this Act.

Opening  
forfeited  
lands,  
etc., for  
prospecting

(2) Mining lands or mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*.

R.S.O. 1960,  
c. 241,  
ss. 665, 666,  
repealed

**44.** Sections 665 and 666 of *The Mining Act* are repealed.

R.S.O. 1960,  
c. 241, s. 668,  
amended

**45.** Section 668 of *The Mining Act* is amended by striking out "665, 666" in the first line, so that the section shall read as follows:

Liability  
for tax  
though not  
on roll

668. Notwithstanding sections 664 and 667, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided in this Part.

**46.** Subsection 1 of section 670 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 670,  
subs. 1,  
re-enacted

- (1) Where lands or mining rights liable for acreage tax are held by two or more co-owners and all such tax has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the tax for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the tax for the period of four or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner fixes, his or their fair proportion of the tax to the co-owner or co-owners who has or have paid all the tax, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner.

Procedure  
to enforce  
claim for  
payment  
of taxes  
by one  
co-owner  
against  
another

**47.**—(1) Subsection 1 of section 671 of *The Mining Act* is amended by striking out "1st day of October and the 31st day of December" in the second line and inserting in lieu thereof "1st day of January and the 31st day of March" and by striking out "April" in the fifth line and inserting in lieu thereof "June", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 241, s. 671,  
subs. 1,  
amended

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that, unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$5 for each property.

Defaulters'  
list and  
notice of  
forfeiture



R.S.O. 1960,  
c. 241, s. 671,  
subs. 2,  
amended

(2) Subsection 2 of the said section 671 is amended by striking out "31st day of May" in the first line and inserting in lieu thereof "15th day of July", so that the subsection shall read as follows:

Publication  
of list  
and notice

- (2) Not later than the 15th day of July in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that, unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 4,  
amended

(3) Subsection 4 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the third and fourth lines, so that the subsection shall read as follows:

Not open  
for staking

- (4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 7,  
amended

(4) Subsection 7 of the said section 671 is amended by striking out "or for disposition under *The Public Lands Act*" in the fifth line, so that the subsection shall read as follows:

Opening  
forfeited  
lands, etc.,  
for  
prospecting

- (7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year are open for prospecting, staking out, sale or lease under this Act at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

R.S.O. 1960,  
c. 241, s. 673,  
repealed

48. Section 673 of *The Mining Act* is repealed.

R.S.O. 1960,  
c. 241,  
Sched.,  
amended

49. The Schedule to *The Mining Act* is amended by adding thereto the following items:

- |  |        |
|--|--------|
| 27. For consenting to the transfer of a mining lease or any document relating to a lease.....                          | \$1.00 |
| 28. For consenting to the transfer of a licence of occupation or any document relating to a licence of occupation..... | 2.00   |

**50.** Every forfeiture of lands and mining rights heretofore <sup>Previous</sup> made under Part XIII of *The Mining Act* shall be deemed to <sup>forfeitures</sup> be valid notwithstanding that such forfeiture would, but for <sup>validated</sup> this section, be invalid or void.

**51.**—(1) This Act, except section 47, comes into force on <sup>Commence-</sup> the day it receives Royal Assent. <sup>ment</sup>

(2) Section 47 comes into force on the 1st day of August, <sup>Idem</sup> 1963.

**52.** This Act may be cited as *The Mining Amendment Act*, <sup>Short title</sup> 1962-63.



An Act to amend The Mining Act

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*1st Reading*

March 7th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

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MR. WARDROPE

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# BILL 79

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Highway Traffic Act

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MR. AULD

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EXPLANATORY NOTES

# EXPLANATORY NOTES

## EXPLANATORY NOTES

SECTION 1. The provision respecting the obliteration of serial numbers of permits issued to motor vehicles is extended to include trailers that have a gross weight exceeding 6,000 pounds.

SECTION 2. The provisions prohibiting any person from defacing identifying marks on a motor vehicle or selling or wrecking a vehicle where the identifying marks have been obliterated are extended to trailers that have a gross weight exceeding 6,000 pounds.

BILL 79

1962-63

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 7 of *The Highway Traffic Act* R.S.O. 1960, c. 172, s. 7, subs. 3, re-enacted is repealed and the following substituted therefor:

- (3) No permit shall be issued for a motor vehicle or a trailer that has a gross weight exceeding 6,000 pounds where the manufacturer's serial number or similar identifying mark has been obliterated or defaced until the owner has filed with the Department satisfactory proof of the ownership of the vehicle or trailer, and, if known, the reason for the obliteration or defacement, and, if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss or attach permanently to the vehicle or trailer a special identification number or mark, which thereafter shall be deemed sufficient for the purpose of registration of the vehicle or trailer. Where serial number obliterated

2.—(1) Subsection 2 of section 32 of *The Highway Traffic Act* R.S.O. 1960, c. 172, s. 32, subs. 2, amended is amended by inserting after "bicycle" in the second line "or a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows:

- (2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle or a trailer that has a gross weight exceeding 6,000 pounds where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable. Prohibition as to buying where number obliterated

(2) Subsection 3 of the said section 32 is amended by adding at the end thereof "or from a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 32, subs. 3, amended



Defacing  
serial  
number

- (3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof or from a bicycle or from a trailer that has a gross weight exceeding 6,000 pounds.

R.S.O. 1960,  
c. 172, s. 50,  
amended

3. Section 50 of *The Highway Traffic Act* is amended by adding thereto the following clause:

- (d) designating an organization to test and mark its approval of any accessory designated by the regulations, and prohibiting the installation, sale or purchase of any designated accessory that is not marked as approved by the testing organization.

R.S.O. 1960,  
c. 172, s. 59,  
subs. 1, cl. f,  
amended

4.—(1) Clause *f* of subsection 1 of section 59 of *The Highway Traffic Act*, as amended by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "and 10" in the third line and inserting in lieu thereof "10 and 10a", so that the clause shall read as follows:

- (f) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 6a, 9, 10 and 10a; or

R.S.O. 1960,  
c. 172, s. 59,  
subs. 7,  
amended

(2) Subsection 7 of the said section 59, as amended by subsection 3 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "or 6a" in the amendment of 1961-62 and inserting in lieu thereof "6a or 10a", so that the subsection shall read as follows:

approval  
of by-laws

- (7) No by-law passed under subsection 2, 3, 5, 6, 6a or 10a becomes effective until approved by the Department, and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

R.S.O. 1960,  
c. 172, s. 59,  
amended

(3) The said section 59 is amended by adding thereto the following subsection:

in school  
zones

- (10a) The council of a city, town or village or the trustees of a police village may by by-law,

- (a) designate a portion of a highway under its jurisdiction that adjoins the entrance to or the exit from a school and that is within a distance of 500 feet along the highway in either direction beyond the limits of the land used for the purposes of the school; and



SECTION 3. The Lieutenant Governor in Council is authorized to make regulations to designate organizations to test and mark automobile accessories and to prohibit the installation of such accessories that are not marked as approved by such testing organization.

SECTION 4. The amendments provide for prescribing a speed limit of 25 miles per hour in school zones marked in accordance with the regulations made by the Department.

**SECTION 5.** The amendment makes applicable the minimum limits of automobile insurance in respect of policies issued by non-resident insurance companies.

- (b) prescribe a rate of speed of 25 miles per hour for motor vehicles driven upon the portion of a highway so designated on days on which school is regularly held and prescribe the time between the hours of 8.00 a.m. and 5.00 p.m. at which such speed limit is effective.

(4) Subsection 11 of the said section 59, as amended by <sup>R.S.O. 1960, c. 172, s. 59, subs. 11, amended</sup> subsection 4 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "or 6a" in the amendment of 1961-62 and inserting in lieu thereof "6a or 10a", so that the subsection shall read as follows:

- (11) Where a by-law is passed under subsection 2, 3, 4, <sup>application of subs. 1</sup> 5, 6, 6a or 10a or a regulation is made under subsection 9 or 10, or a by-law is passed under section 89 of *The Municipality of Metropolitan Toronto Act*, the <sup>R.S.O. 1960, c. 260</sup> rates of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation.

5. Clause c of subsection 5 of section 118 of *The Highway Traffic Act* is amended by striking out "limits of liability stated in the policy" in the seventh line and inserting in lieu thereof "minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies", so that the clause shall read as follows:

- (c) an undertaking not to set up as a defence, to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence that might not be set up if the policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability <sup>R.S.O. 1960, c. 190</sup> policies any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding.

6.—(1) This Act, except sections 4 and 5, comes into force <sup>Commence-ment</sup> on the day it receives Royal Assent.

(2) Sections 4 and 5 come into force on the 1st day of July, <sup>Idem</sup> 1963.

7. This Act may be cited as *The Highway Traffic Amend- Short title ment Act, 1962-63 (No. 2)*.

An Act to amend The Highway Traffic Act

*1st Reading*

March 8th, 1963

*2nd Reading*

*3rd Reading*

MR. AULD

# BILL 79

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
'11-12 ELIZABETH II, 1962-63

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## An Act to amend The Highway Traffic Act

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MR. AULD

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*(Reprinted as amended by the Committee on Highways  
and Highway Safety)*



EXPLANATORY NOTES

SECTION 1. The provision respecting the obliteration of serial numbers of permits issued to motor vehicles is extended to include trailers that have a gross weight exceeding 6,000 pounds.

SECTION 2. The provisions prohibiting any person from defacing identifying marks on a motor vehicle or selling or wrecking a vehicle where the identifying marks have been obliterated are extended to trailers that have a gross weight exceeding 6,000 pounds.

BILL 79

1962-63

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 7 of *The Highway Traffic Act* R.S.O. 1960, c. 172, s. 7, subs. 3, re-enacted is repealed and the following substituted therefor:

- (3) No permit shall be issued for a motor vehicle or a trailer that has a gross weight exceeding 6,000 pounds Where serial number obliterated where the manufacturer's serial number or similar identifying mark has been obliterated or defaced until the owner has filed with the Department satisfactory proof of the ownership of the vehicle or trailer, and, if known, the reason for the obliteration or defacement, and, if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss or attach permanently to the vehicle or trailer a special identification number or mark, which thereafter shall be deemed sufficient for the purpose of registration of the vehicle or trailer.

2.—(1) Subsection 2 of section 32 of *The Highway Traffic Act* R.S.O. 1960, c. 172, s. 32, subs. 2, amended is amended by inserting after "bicycle" in the second line "or a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows:

- (2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle or a trailer that has a gross weight exceeding 6,000 pounds Prohibition as to buying where number obliterated where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable.

(2) Subsection 3 of the said section 32 is amended by adding at the end thereof "or from a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 32, subs. 3, amended

Defacing  
serial  
number

- (3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof or from a bicycle or from a trailer that has a gross weight exceeding 6,000 pounds.

R.S.O. 1960,  
c. 172, s. 50,  
amended

3. Section 50 of *The Highway Traffic Act* is amended by adding thereto the following clause:

- (d) designating an organization to test and mark its approval of any accessory designated by the regulations, and prohibiting the installation, sale or purchase of any designated accessory that is not marked as approved by the testing organization.

R.S.O. 1960,  
c. 172, s. 59,  
subs. 1, cl. f,  
amended

4.—(1) Clause *f* of subsection 1 of section 59 of *The Highway Traffic Act*, as amended by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "and 10" in the third line and inserting in lieu thereof "10 and 10a", so that the clause shall read as follows:

- (f) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 6a, 9, 10 and 10a; or

R.S.O. 1960,  
c. 172, s. 59,  
subs. 7,  
amended

(2) Subsection 7 of the said section 59, as amended by subsection 3 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "or 6a" in the amendment of 1961-62 and inserting in lieu thereof "6a or 10a", so that the subsection shall read as follows:

- (7) No by-law passed under subsection 2, 3, 5, 6, 6a or 10a becomes effective until approved by the Department, and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

R.S.O. 1960,  
c. 172, s. 59,  
amended

(3) The said section 59 is amended by adding thereto the following subsection:

in school  
zones

- (10a) The council of a city, town or village or the trustees of a police village may by by-law,

- (a) designate a portion of a highway under its jurisdiction that adjoins the entrance to or the exit from a school and that is within a distance of 500 feet along the highway in either direction beyond the limits of the land used for the purposes of the school; and

SECTION 3. The Lieutenant Governor in Council is authorized to make regulations to designate organizations to test and mark automobile accessories and to prohibit the installation of such accessories that are not marked as approved by such testing organization.

SECTION 4. The amendments provide for prescribing a speed limit of 25 miles per hour in school zones marked in accordance with the regulations made by the Department.



**SECTION 5. Self-explanatory.**

**SECTION 6.** The amendment makes applicable the minimum limits of automobile insurance in respect of policies issued by non-resident insurance companies.



- (b) prescribe a rate of speed of 25 miles per hour for motor vehicles driven upon the portion of a highway so designated on days on which school is regularly held and prescribe the time between the hours of 8.00 a.m. and 5.00 p.m. at which such speed limit is effective.

(4) Subsection 11 of the said section 59, as amended by subsection 4 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "or 6a" in the amendment of 1961-62 and inserting in lieu thereof "6a or 10a", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 172, s. 59  
subs. 11,  
amended

- (11) Where a by-law is passed under subsection 2, 3, 4, 5, 6, 6a or 10a or a regulation is made under subsection 9 or 10, or a by-law is passed under section 89 of *The Municipality of Metropolitan Toronto Act*, the rates of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation.

R.S.O. 1960,  
c. 260

5. *The Highway Traffic Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 172,  
amended

100a. The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of a highway designated by the Lieutenant Governor in Council as a controlled-access highway under *The Highway Improvement Act* by any class or classes of vehicles or animals.

Regulation  
of vehicles  
on con-  
trolled-access  
highways  
R.S.O. 1960,  
c. 171

6. Clause c of subsection 5 of section 118 of *The Highway Traffic Act* is amended by striking out "limits of liability stated in the policy" in the seventh line and inserting in lieu thereof "minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies", so that the clause shall read as follows:

R.S.O. 1960,  
c. 172, s. 118,  
subs. 5, cl. c,  
amended

- (c) an undertaking not to set up as a defence, to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence that might not be set up if the policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding.

R.S.O. 1960,  
c. 190

7.—(1) This Act, except sections 4, 5 and 6, comes into force on the day it receives Royal Assent.

Commence-  
ment

Idem (2) Sections 4, 5 and 6 come into force on the 1st day of July, 1963.

Short title **8.** This Act may be cited as *The Highway Traffic Amendment Act, 1962-63 (No. 2)*.









An Act to amend The Highway Traffic Act

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*1st Reading*

March 8th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

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MR. AULD

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*(Reprinted as amended by the Committee on  
Highways and Highway Safety)*

# BILL 79

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Highway Traffic Act

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MR. AULD

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BILL 79

1962-63

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 7 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 7, subs. 3, re-enacted

- (3) No permit shall be issued for a motor vehicle or a trailer that has a gross weight exceeding 6,000 pounds where the manufacturer's serial number or similar identifying mark has been obliterated or defaced until the owner has filed with the Department satisfactory proof of the ownership of the vehicle or trailer, and, if known, the reason for the obliteration or defacement, and, if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss or attach permanently to the vehicle or trailer a special identification number or mark, which thereafter shall be deemed sufficient for the purpose of registration of the vehicle or trailer. Where serial number obliterated

2.—(1) Subsection 2 of section 32 of *The Highway Traffic Act* is amended by inserting after "bicycle" in the second line "or a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 32, subs. 2, amended

- (2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle or a trailer that has a gross weight exceeding 6,000 pounds where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable. Prohibition as to buying where number obliterated

(2) Subsection 3 of the said section 32 is amended by adding at the end thereof "or from a trailer that has a gross weight exceeding 6,000 pounds", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 32, subs. 3, amended

Defacing  
serial  
number

- (3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof or from a bicycle or from a trailer that has a gross weight exceeding 6,000 pounds.

R.S.O. 1960,  
c. 172, s. 50,  
amended

3. Section 50 of *The Highway Traffic Act* is amended by adding thereto the following clause:

- (d) designating an organization to test and mark its approval of any accessory designated by the regulations, and prohibiting the installation, sale or purchase of any designated accessory that is not marked as approved by the testing organization.

R.S.O. 1960,  
c. 172, s. 59,  
subs. 1, cl. f,  
amended

4.—(1) Clause *f* of subsection 1 of section 59 of *The Highway Traffic Act*, as amended by subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "and 10" in the third line and inserting in lieu thereof "10 and 10a", so that the clause shall read as follows:

- (f) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 6a, 9, 10 and 10a; or.

R.S.O. 1960,  
c. 172, s. 59,  
subs. 7,  
amended

(2) Subsection 7 of the said section 59, as amended by subsection 3 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "or 6a" in the amendment of 1961-62 and inserting in lieu thereof "6a or 10a", so that the subsection shall read as follows:

approval  
of by-laws

- (7) No by-law passed under subsection 2, 3, 5, 6, 6a or 10a becomes effective until approved by the Department, and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

R.S.O. 1960,  
c. 172, s. 59,  
amended

(3) The said section 59 is amended by adding thereto the following subsection:

in school  
zones

- (10a) The council of a city, town or village or the trustees of a police village may by by-law,

- (a) designate a portion of a highway under its jurisdiction that adjoins the entrance to or the exit from a school and that is within a distance of 500 feet along the highway in either direction beyond the limits of the land used for the purposes of the school; and



- (b) prescribe a rate of speed of 25 miles per hour for motor vehicles driven upon the portion of a highway so designated on days on which school is regularly held and prescribe the time between the hours of 8.00 a.m. and 5.00 p.m. at which such speed limit is effective.

(4) Subsection 11 of the said section 59, as amended by subsection 4 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "or 6a" in the amendment of 1961-62 and inserting in lieu thereof "6a or 10a", so that the subsection shall read as follows:

- (11) Where a by-law is passed under subsection 2, 3, 4, 5, 6, 6a or 10a or a regulation is made under subsection 9 or 10, or a by-law is passed under section 89 of *The Municipality of Metropolitan Toronto Act*, the rates of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation.

5. *The Highway Traffic Act* is amended by adding thereto the following section:

- 100a. The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of a highway designated by the Lieutenant Governor in Council as a controlled-access highway under *The Highway Improvement Act* by any class or classes of vehicles or animals.

6. Clause c of subsection 5 of section 118 of *The Highway Traffic Act* is amended by striking out "limits of liability stated in the policy" in the seventh line and inserting in lieu thereof "minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies", so that the clause shall read as follows:

- (c) an undertaking not to set up as a defence, to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence that might not be set up if the policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding.

7.—(1) This Act, except sections 4, 5 and 6, comes into force on the day it receives Royal Assent.

**Idem** (2) Sections 4, 5 and 6 come into force on the 1st day of July, 1963.

**Short title** **8.** This Act may be cited as *The Highway Traffic Amendment Act, 1962-63 (No. 2)*.



An Act to amend The Highway Traffic Act

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*1st Reading*

March 8th, 1963

*2nd Reading*

March 12th, 1963

*3rd Reading*

April 26th, 1963

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Mr. AULD

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# **BILL 80**

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**4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63**

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## **An Act to amend The Municipal Act**

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**MR. SPOONER**

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THE CITY OF NEW YORK  
 IN SENATE  
 JANUARY 11, 1901

IN SENATE  
 JANUARY 11, 1901

EXPLANATORY NOTES

SECTION 1. At present a municipality may be divided into not less than three wards. The amendment will permit two or more wards and will also permit a petition of electors requesting a division of the municipality into wards.

BILL 80

1962-63

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Municipal Act*, as amended by section 1 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 13, re-enacted

13.—(1) When a municipality is incorporated or erected, <sup>Wards</sup> the Municipal Board shall divide a city and may divide any other local municipality into wards, and shall designate the name or number each ward shall bear.

(2) Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect. <sup>Application by council</sup>

(3) A petition of 75 electors in a municipality having not more than 5,000 electors and of 150 electors in a municipality having more than 5,000 electors may be presented to the council of any local municipality requesting the council to make an application to the Municipal Board to divide or redivide the municipality into wards, and, if the council refuses or neglects to make the application within one month after the receipt by the clerk of the petition, the petitioners or any of them may apply to the Municipal Board for the division or a new division of the municipality into wards, and the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the <sup>Petition of electors</sup>

manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect.

Composition  
of local  
boards

- (4) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary.

R.S.O. 1960,  
c. 274

R.S.O. 1960,  
c. 249, s. 34,  
subs. 1,  
cl. a,  
amended

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act*, as amended by section 2 of *The Municipal Amendment Act, 1961-62*, is further amended by inserting after "of" in the sixth line "such", so that the clause shall read as follows:

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality, or is the wife or husband of such a householder and who resides in or within five miles of the municipality.

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. r,  
amended

- 3.—(1) Clause *r* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (r) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960,  
cc. 23, 223

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. s,  
amended

- (2) Clause *s* of subsection 1 of the said section 35 is amended by adding at the end thereof "but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (s) a person who, either himself or by or with or through another, is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim,

SECTION 2. The amendment is to make it clear that it is only the wife or husband of a householder who resides in the municipality or within five miles of the municipality who is eligible to be elected to council.

SECTION 3. The amendments are to make it clear that the disqualification provisions in clauses *r* and *s* do not apply with respect to assessment appeals.

SECTION 4. Paragraph 9 of subsection 1 of section 20 of *The Assessment Act* was amended at the last session of the Legislature to provide that the husband or wife of an owner should be bracketed with the name of the owner unless such husband or wife does not reside in or within 5 miles of the municipality. The amendment to clause *d* brings these two provisions into line.

SECTION 5. The amendment makes it an offence to wilfully and maliciously remove a voters' list or other document and makes the present fine of \$2,000 a maximum only.

SECTION 6. The amendment is for the purpose of clarification only.



action or proceeding by the corporation, but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*. R.S.O. 1960, c. 23, 223

4. Clause *d* of subsection 1 of section 37 of *The Municipal Act* is amended by inserting after "tenant" in the sixth line "and who resides in or within five miles of the municipality", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 37, subs. 1, cl. d, amended

- (d) rated or entitled to be rated to the amount hereinafter mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant and who resides in or within five miles of the municipality, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son; or

5. Subsection 1 of section 131 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 131, subs. 1, re-enacted

- (1) Every person who wilfully and maliciously destroys, injures, obliterates or removes or causes to be destroyed, injured, obliterated or removed a warrant for holding an election, a poll book, voters' list, certificate, affidavit or other document or paper made, prepared or drawn according to or for the purpose of meeting any requirement of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Persons unlawfully destroying, etc., documents relating to elections, etc.

6. Subsection 6 of section 149 of *The Municipal Act* is amended by striking out "elect" in the fourth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 149, subs. 6, amended

- (6) If all the aldermen or councillors were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith appoint a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. When council to appoint person to fill vacancy

R.S.O. 1960,  
c. 249, s. 150,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 150 of *The Municipal Act* is amended by striking out “elect” in the fourth line and inserting in lieu thereof “appoint”, so that the subsection shall read as follows:

Vacancy in  
office of  
mayor,  
reeve or  
deputy  
reeve

- (1) Where the office of mayor, reeve or deputy reeve becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall appoint one of their number to fill the office for the remainder of the term.

R.S.O. 1960,  
c. 249, s. 150,  
subs. 3,  
amended

(2) Subsection 3 of the said section 150 is amended by striking out “elect” in the fifth line and inserting in lieu thereof “appoint”, so that the subsection shall read as follows:

Vacancy in  
office of  
alderman or  
councillor  
where  
election is  
not by  
general vote

- (3) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are not elected by general vote and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose, shall appoint a person to fill the vacancy for the unexpired term of the member whose seat has become vacant.

R.S.O. 1960,  
c. 249, s. 184,  
subs. 1,  
amended

8. Subsection 1 of section 184 of *The Municipal Act* is amended by inserting after “municipality” in the second line “after an annual or biennial election, as the case may be”, so that the subsection shall read as follows:

First  
meeting of  
council,  
local  
municipality

- (1) The first meeting of the council of a local municipality after an annual or biennial election, as the case may be, shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.

R.S.O. 1960,  
c. 249, s. 239,  
re-enacted

9. Section 239 of *The Municipal Act* is repealed and the following substituted therefor:

Tenure of  
office

- 239.—(1) Subject to subsection 2, all officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the council.

Dismissal  
of officers

- (2) No clerk, treasurer, engineer, assessor or assessment commissioner shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned.

SECTION 7. The amendments are for the purpose of clarification only.

SECTION 8. The amendment is to make it clear that an organization of council is not required annually where council is elected biennially.

SECTION 9. Subsection 2 of section 239 is new and provides that officers such as the clerk and treasurer may not be dismissed without a hearing if the officer so requests.

## SECTION 10. Self-explanatory.



10. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 249,  
amended

248c.—(1) Subject to the approval of the Department, Pension plans, where a municipality or local board, as defined in paragraph 59 of section 377, makes contributions and termination to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, the municipality or local board may, R.S.O. 1960,  
cc. 392, 301,  
332

(a) discontinue the contributions to;

(b) terminate the provisions of; or

(c) transfer to another such fund or plan the assets of,

the pension, superannuation or benefit fund or plan with respect to all or part of the employees to whom the fund or plan is applicable.

(2) Notwithstanding any general or special Act, the terms and conditions of a pension, superannuation or benefit fund or plan to which a municipality or local board, as defined in paragraph 59 of section 377, makes contributions, excluding a fund or plan established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, shall not be altered, amended or repealed, on or after the 1st day of January, 1963, without the approval of the Department. amend-  
ments, etc.

(3) Notwithstanding any general or special Act, where an employee, as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer  
from pension  
fund

(a) the civil service of Ontario or Canada;

(b) the civic service of any other municipality or local board; or

(c) the staff of any board, commission or public institution established under any Act of the Legislature,



the municipality or local board shall, on the written request of the employee, authorize the transfer of a sum of money that is equal to the present value of the benefits otherwise payable to or with respect to the employee for service to the date of transfer under a superannuation or pension fund or plan to which the municipality or local board makes contributions under any general or special Act to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

Transfer to  
pension fund

- (4) Notwithstanding any general or special Act, where a member of,

- (a) the civil service of Ontario or Canada;
- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, has become or becomes an employee, as defined in paragraph 59 of section 377, and a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service or staff is transferred to a fund or plan maintained to provide pension benefits for employees of the municipality or local board, the sum of money so transferred shall be applied for the benefit of the employee in accordance with the terms of the fund or plan to which the sum is transferred.

Refund

- (5) Where a sum of money is transferred in accordance with subsection 3 or 4 to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF THE HISTORY OF ARTS  
CHICAGO, ILL. 60637

1. The University of Chicago is a private, non-profit  
educational institution. It is a member of the  
Association of American Universities and the  
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and the National Science Foundation.

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SECTION 11. The amendments are to bring the provisions re waste-paper boxes up to date with the use of new materials therefor.

SECTION 12. Under subsection 1 of section 286, a municipality may not incur a debt the payment of which is not provided for in the estimates without the assent of the electors. Subsection 2 of section 286 lists certain projects for which the municipality is not deemed to have incurred such a debt except where debentures are to be issued. The amendment adds agreements respecting the operation of ambulances and for furnishing public bus transportation to this list.

SECTION 13. The amendments change the words "special account" to "special bank account" and provide for a consolidated bank account for a number of reserve accounts.

**11.**—(1) Subsection 1 of section 249 of *The Municipal Act* R.S.O. 1960, c. 249, s. 249, is amended by striking out “iron” in the fourth line, so that the subsection shall read as follows: subs. 1, amended

- (1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain, for any period not exceeding ten years, waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council. Exclusive right to maintain waste-paper boxes on streets

(2) Subsection 2 of the said section 249 is amended by striking out “and painted” in the third line, so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 249, subs. 2, amended

- (2) The location of the boxes is subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and the collections therein removed to the satisfaction of the city engineer and as often as he may direct. Location of boxes

(3) Clause *b* of subsection 3 of the said section 249 is amended by striking out “painting” in the first line and inserting in lieu thereof “placing”, so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 249, subs. 3, cl. b, amended

- (*b*) allow the placing of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon.

**12.** Subsection 2 of section 286 of *The Municipal Act*, as amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 249, s. 286, subs. 2, amended

- (*ma*) agreements respecting maintenance and operation of ambulances under paragraph 88*c* of subsection 1 of section 379;

- (*ra*) agreements for furnishing public bus transportation under paragraph 88*a* of subsection 1 of section 379.

**13.**—(1) Subsection 2 of section 298 of *The Municipal Act* is amended by inserting after “special” in the second line “bank”, so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 298, subs. 2, amended

- (2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special bank Investments and income



account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1960,  
c. 408

R.S.O. 1960,  
c. 249, s. 298,  
amended

(2) The said section 298 is amended by adding thereto the following subsection:

Consolidated  
bank account

(2a) The council may by by-law provide that, instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section but which consolidated bank account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.

R.S.O. 1960,  
c. 249, s. 299,  
subs. 2,  
re-enacted

**14.** Subsection 2 of section 299 of *The Municipal Act* is repealed and the following substituted therefor:

Special bank  
account

(2) Such contributions shall be paid into a special bank account, and subsections 2 and 2a of section 298 apply *mutatis mutandis* thereto.

R.S.O. 1960,  
c. 249, s. 377,  
par. 11,  
re-enacted

**15.—**(1) Paragraph 11 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Officers  
becoming  
members of  
association  
for  
improving  
technical  
knowledge

11. For any of the corporation's elected or appointed officers becoming members of any municipal union or association, for extending and improving the technical skill of such municipal officers in the discharge of their municipal duties, and for paying the whole or part of the fees for such membership, or for tuition of officers or employees enrolled in any course of instruction sponsored by such union or association, and for paying the expenses of such officers attending any meeting of such union or association or upon its business.

R.S.O. 1960,  
c. 249, s. 377,  
amended

(2) The said section 377 is amended by adding thereto the following paragraph:

Obstruction  
of drains

17a. For prohibiting the obstruction of any drain or watercourse, and for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under its jurisdiction.

R.S.O. 1960,  
c. 249, s. 377,  
par. 59,  
cls. h, i,  
repealed

(3) Clauses *h* and *i* of paragraph 59 of the said section 377 are repealed.



SECTION 14. Complementary to section 13 of this Bill.

SECTION 15—Subsection 1. Municipalities are authorized to pay tuition fees for its officers who are enrolled in courses of instruction given by municipal associations.

Subsection 2. The provisions are transferred from paragraph 73 of subsection 1 of section 379 and will hereafter be applicable to counties as well as local municipalities.

Subsection 3. The provisions dealing with the transfer of pension moneys where an employee of a municipality or board becomes an employee of another municipality or board are repealed and are included in a new section 248c. See section 10 of this Bill.

Subsection 4. The requirement that a fee be charged in municipal parking lots is deleted.

Subsection 5. The provision requiring the approval of the Department to salaries of members of a parking authority is deleted.

Subsection 6. The provisions requiring parking facilities to be self-supporting are repealed. This requirement will hereafter be a matter of discretion of council under clause *f* of paragraph 68.

SECTION 16—Subsection 1. Self-explanatory.

Subsection 2. The provisions authorizing local municipalities to pass by-laws respecting the obstruction of drains and regulating the construction of culverts and bridges that cross drains on highways are transferred to section 377 and will, therefore, be applicable to counties as well as local municipalities.

Subsection 3. Local municipalities are authorized to pass by-laws to provide ambulance service.

(4) Paragraph 67 of the said section 377 is amended by striking out "provided a fee is charged and collected for such parking" in the seventh and eighth lines, so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 67,  
amended

67. For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon. Municipal  
parking  
lots

(5) Clause *e* of paragraph 68 of the said section 377 is amended by striking out "with the approval of the Department" in the third line, so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 68, cl. *e*,  
amended

(*e*) The members may be paid such salary or other remuneration as may be fixed by by-law of the council. Salary of  
members

(6) Clause *g* of paragraph 68 of the said section 377 is repealed. R.S.O. 1960,  
c. 249, s. 377,  
par. 68, cl. *g*,  
repealed

**16.**—(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act* is amended by adding at the end thereof "or to any person under such age as the by-law may prescribe", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 30,  
amended

30. For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year or to any person under such age as the by-law may prescribe. Sale of  
fireworks

(2) Paragraph 73 of subsection 1 of the said section 379 is repealed. R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 73,  
repealed

(3) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs: R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

88b. Where the local board of health does not provide an ambulance under section 29 of *The Public Health Act*, for acquiring, maintaining and operating ambulances for the conveyance of persons suffering from disease or accident to a hospital or other place, and for fixing and charging fees therefor. Ambulances  
R.S.O. 1960,  
c. 321

88c. For entering into agreement with any person for a period not exceeding five years to maintain and operate ambulances for the purpose of conveying Agreements  
to operate  
ambulance  
service



persons suffering from disease or accident to a hospital or other place at such rates or charges and on such other terms and conditions, including the payment of an annual subsidy to such person, as may be agreed upon.

(4) Paragraph 94 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

94. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

(a) A by-law permitting an encroachment or further encroachment of more than four inches from the limit of the highway does not take effect until it has been approved by the Department.

(5) Paragraph 135 of subsection 1 of the said section 379, as enacted by subsection 4 of section 15 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

135. For regulating and governing laundretorias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any such services or machines, and for revoking such licences.

(6) Subsection 2 of the said section 379 is amended by inserting after "under" in the first line "paragraph 23 or", so that the subsection shall read as follows:

(2) A by-law passed by the council of a township under paragraph 23 or any of paragraphs 32 to 43 of subsection 1 may be made applicable to the township or one or more defined areas thereof as set out in the by-law.

17. Section 380 of *The Municipal Act* is repealed and the following substituted therefor:

380.—(1) In this section,

(a) "benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from

Subsection 4. At present, an encroachment or further encroachment of two inches only may be permitted for existing buildings. The amendment removes this restriction but provides that, where a by-law permits an encroachment of more than four inches, the by-law must be approved by the Department.

Subsection 5. Paragraph 135 presently provides for regulating washing machines and dryers for the use of the public. The paragraph, as re-enacted, also provides for regulating dry cleaning machines.

Subsection 6. Paragraph 23 permits municipalities to pass by-laws regarding fencing around privately-owned swimming pools. Such by-laws passed by townships may be made applicable to one or more defined areas of the township.

SECTION 17. The methods of charging the capital cost of sewage works under section 380 are extended to the capital costs of water works.





the construction of sewage works or water works, and

- (i) "immediate benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the works, and
- (ii) "deferred benefit" means the benefit that accrues upon completion of the works but which is not derived or derivable therefrom until a sewer or water main upon which the land will abut is constructed as part of the works;
- (b) "capital cost" means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account;
- (c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (d) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
- (e) "sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- (f) "sewer rate" means a charge for the capital cost of sewage works;
- (g) "water works" means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works;
- (h) "water works rate" means a charge for the capital cost of water works.

- (2) Subject to the approval of the Municipal Board <sup>Sewer, water works rate</sup> first being obtained, the council of a local municipality, in authorizing the construction of sewage

works or water works, may by by-law provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the sewage works or water works a sewer rate or a water works rate, as the case may be, sufficient to pay for the whole or such portion or percentage of the capital cost of the works as the by-law may specify, and, with the like approval, such by-law may from time to time be amended or repealed.

Special  
assessment  
under  
R.S.O. 1960,  
c. 223

- (3) Where a sewer rate or water works rate is imposed under subsection 2, no part of the capital cost of the works shall be specially assessed under *The Local Improvement Act*.

Land in  
respect of  
which rate  
imposed

- (4) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate or water works rate imposed, and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

Idem

- (5) The land designated under subsection 4 may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

Rate for  
deferred  
benefit

- (6) Where a sewer rate or water works rate is imposed for a deferred benefit, it shall be changed to a rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable.

Computation  
of sewer  
rate

- (7) A sewer rate shall be computed by any or all or any combination of the following methods:

(a) A foot frontage rate on the lands that receive an immediate benefit from the work.

(b) A foot frontage rate on the lands that receive a deferred benefit from the work.

(c) An acreage rate or rates on any or all of the lands designated under subsection 4, which rates may differ as between lands that will receive an immediate benefit and lands that will receive a deferred benefit.

(d) A mill rate on the assessed value of the lands designated under subsection 4.



- (e) A rate on that portion of the lands designated under subsection 4 that is connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands.
- (8) A water works rate shall be computed by any or all <sup>Computation of water works rate</sup> or any combination of the methods referred to in clauses *a* to *d* of subsection 7.
- (9) The revenue derived in any year from a rate imposed <sup>Revenue from rates</sup> under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the works for the capital cost of which the rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the rate.
- (10) Where in a local municipality there is land that has <sup>Sewer or water works rate for cost of existing works</sup> not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewage works or water works except in the same manner and to the same extent as all other owners or occupants of land within the municipality have been or are assessable or taxed and a sewer or water main forming part of such existing sewage works or water works is to be constructed by means of which an immediate benefit from the existing works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate or water works rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works or water works as the by-law may specify.
- (11) A rate may be imposed under subsection 10 not- <sup>Idem</sup>withstanding that the capital cost of the existing works has in whole or in part been paid.
- (12) The revenue from the sewer rate or water works rate <sup>Revenue from rates imposed under subs. 10</sup> imposed under subsection 10 if not required for payment of any part of the outstanding capital cost of the existing sewage works or water works shall be applied and used only for future capital improvements of the existing sewage works or water works, as the case may be.

Rate under  
subs. 10 in  
addition to  
rate under  
subs. 2

- (13) A rate imposed under subsection 10 shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the works to be constructed to form part of the existing works.

Rate  
structure

- (14) The council of a local municipality for the purposes of subsections 2 and 10 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure or a water works rate structure upon which the sewer rates or water works rates imposed under subsection 2 or 10 shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.

Sewage  
service rate

- (15) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use sewage works a sewage service rate.

Idem

- (16) A sewage service rate may be imposed under subsection 15 notwithstanding that,

(a) a sewer rate has also been imposed with respect to the capital cost of the same works; and

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

R.S.O. 1960,  
c. 223

Sewage  
service rate  
structure

- (17) The council of a local municipality for the purposes of subsection 15 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just.

Collection  
of rates

- (18) The council of a local municipality may by by-law establish systems for,



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SECTION 18. Local municipalities are authorized to pass by-laws for licensing and regulating non-resident salesmen of magazines, etc.

- (a) fixing times, periods and frequencies at and for which sewer rates or water works rates imposed under subsection 2 or 10 and sewage service rates imposed under subsection 15 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing.

(19) The council of a local municipality may by by-law <sup>Idem</sup> require any public utilities commission or local board that supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in clause *e* of subsection 7.

(20) A sewer rate or water works rate imposed under subsection 2 or 10 and a sewage service rate imposed <sup>Rates a charge on land</sup> under subsection 15 upon any owner or occupant of land is a lien and charge upon the land, and, if the rate or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable.

**18.** Section 400 of *The Municipal Act* is amended by adding <sup>R.S.O. 1960, c. 249, s. 400, amended</sup> thereto the following paragraph:

- 5. For licensing, regulating and governing persons who <sup>Licensing non-resident salesmen of magazines, etc.</sup> have not resided continuously in the municipality for which the licence is sought for at least one year

prior to the application therefor and who go from place to place or to a particular place and sell or offer for sale magazines, periodicals or publications of any kind whether by sample, pattern, specimen, description or otherwise and whether for present or future delivery.

R.S.O. 1960,  
c. 249, s. 406,  
subs. 1,  
re-enacted

**19.** Subsection 1 of section 406 of *The Municipal Act* is repealed and the following substituted therefor:

Annual  
remuneration  
of  
councillors

(1) The council of a local municipality may pass by-laws for paying the members of council an annual allowance as follows:

- (a) where the population exceeds 300,000, an annual allowance not exceeding \$4,000;
- (b) where the population exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$3,500;
- (c) where the population exceeds 120,000 but is less than 200,000, an annual allowance not exceeding \$3,000;
- (d) where the population exceeds 80,000 but is less than 120,000, an annual allowance not exceeding \$2,500;
- (e) where the population exceeds 50,000 but is less than 80,000, an annual allowance not exceeding \$2,000;
- (f) where the population exceeds 20,000 but is less than 50,000, an annual allowance not exceeding \$1,500;
- (g) where the population exceeds 10,000 but is less than 20,000, an annual allowance not exceeding \$1,000;
- (h) where the population exceeds 5,000 but is less than 10,000, an annual allowance not exceeding \$750;
- (i) where the population is 5,000 or less, an annual allowance not exceeding \$350.

Effect of  
decrease in  
population

(1a) A decrease in the population of a local municipality of not more than 7 per cent does not invalidate a by-law passed under subsection 1 by such municipality.

SECTION 19. At present, the council of a local municipality may pay allowances to council members not exceeding \$1,500 where the population is between 20,000 and 50,000.

Clauses *d*, *e* and *f* of subsection 1 provide for allowances in the various ranges set out in such clauses.

Subsection 1*a* is new.



SECTION 20. Section 523, which provides for the election of trustees after the improvement district has been in existence for more than three years, is repealed. Where election of trustees is desirable, the improvement district should apply to become a township and so be removed from supervision.

SECTION 21. The section is re-enacted for clarification purposes only.

SECTION 22. The amendment is complementary to section 2 of this Bill.

SECTION 23. The amendment is necessary to make the Form coincide with amendments made to section 228.

**20.** Section 523 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 523,  
repealed

**21.** Section 525 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249, s. 525,  
re-enacted

525. Where the forms therefor are not prescribed by this Act, the Department may prescribe forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form as prescribed by this Act or the Department and that is not calculated to mislead is not open to objection on the ground that it is not in accordance with the form so prescribed. Forms

**22.** Form 1 of *The Municipal Act* is amended by striking out paragraph 1 and inserting in lieu thereof the following:

R.S.O. 1960,  
c. 249,  
Form 1,  
amended

1. I am a householder residing in this municipality and am assessed as owner (*or* tenant) of a dwelling or apartment house (*or* part of a dwelling or apartment house separately occupied as a dwelling) or (am rated on the last revised assessment roll for land held in my right for an amount sufficient to entitle me to be entered on the voters' list) or (that I am the wife or husband of a householder who resides in the municipality or who is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and who resides in or within five miles of the municipality).

**23.** Form 23 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 249,  
Form 23,  
re-enacted

#### FORM 23

(Section 228 (6) )

#### DECLARATION OF AUDITOR

I, ....., having been appointed auditor for the municipal corporation of ....., promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor or other than for services within my professional capacity.

**24.**—(1) This Act, except section 19, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 19 shall be deemed to have come into force on the 1st day of January, 1960. Idem

**25.** This Act may be cited as *The Municipal Amendment Act, 1962-63*. Short title



My dear Mr. [Name]

I have just received your letter of the 14th inst.

and am very glad to hear from you.

Yours truly,

[Signature]

[Name]

[Address]

[City]

An Act to amend The Municipal Act

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*1st Reading*

March 11th, 1963

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

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# BILL 80

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Municipal Act

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MR. SPOONER

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*(Reprinted as amended by the Committee on Municipal Law)*

THE CITY OF BOSTON, MASS.  
 DEPARTMENT OF THE CITY CLERK

THE CITY OF BOSTON, MASS.

EXPLANATORY NOTES

SECTION 1. At present a municipality may be divided into not less than three wards. The amendment will permit two or more wards and will also permit a petition of electors requesting a division of the municipality into wards.

BILL 80

1962-63

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Municipal Act*, as amended by section 1 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249, s. 13,  
re-enacted

13.—(1) When a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other local municipality into wards, and shall designate the name or number each ward shall bear. Wards

(2) Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect. Application  
by council

(3) A petition of 75 electors in a municipality having not more than 5,000 electors and of 150 electors in a municipality having more than 5,000 electors may be presented to the council of any local municipality requesting the council to make an application to the Municipal Board to divide or redivide the municipality into wards, and, if the council refuses or neglects to make the application within one month after the receipt by the clerk of the petition, the petitioners or any of them may apply to the Municipal Board for the division or a new division of the municipality into wards, and the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the Petition of  
electors

manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect.

Composition  
of local  
boards

- (4) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary.

R.S.O. 1960,  
c. 274

R.S.O. 1960,  
c. 249, s. 34,  
subs. 1,  
cl. a,  
amended

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act*, as amended by section 2 of *The Municipal Amendment Act, 1961-62*, is further amended by inserting after "of" in the sixth line "such", so that the clause shall read as follows:

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality, or is the wife or husband of such a householder and who resides in or within five miles of the municipality.

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. r,  
amended

3.—(1) Clause *r* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (r) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960,  
cc. 23, 223

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. s,  
amended

(2) Clause *s* of subsection 1 of the said section 35 is amended by adding at the end thereof "but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (s) a person who, either himself or by or with or through another, is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim,



SECTION 2. The amendment is to make it clear that it is only the wife or husband of a householder who resides in the municipality or within five miles of the municipality who is eligible to be elected to council.

SECTION 3. The amendments are to make it clear that the disqualification provisions in clauses *r* and *s* do not apply with respect to assessment appeals.



SECTION 4. Paragraph 9 of subsection 1 of section 20 of *The Assessment Act* was amended at the last session of the Legislature to provide that the husband or wife of an owner should be bracketed with the name of the owner unless such husband or wife does not reside in or within 5 miles of the municipality. The amendment to clause *d* brings these two provisions into line.

SECTION 5. The amendment makes it an offence to wilfully and maliciously remove a voters' list or other document and makes the present fine of \$2,000 a maximum only.

SECTION 6. The amendment is for the purpose of clarification only.

action or proceeding by the corporation, but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*. R.S.O. 1960, c. 23, 223

4. Clause *d* of subsection 1 of section 37 of *The Municipal Act* is amended by inserting after "tenant" in the sixth line "and who resides in or within five miles of the municipality", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 37, subs. 1, cl. d, amended

- (d) rated or entitled to be rated to the amount herein-after mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant and who resides in or within five miles of the municipality, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son; or

5. Subsection 1 of section 131 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 131, subs. 1, re-enacted

- (1) Every person who wilfully and maliciously destroys, injures, obliterates or removes or causes to be destroyed, injured, obliterated or removed a warrant for holding an election, a poll book, voters' list, certificate, affidavit or other document or paper made, prepared or drawn according to or for the purpose of meeting any requirement of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Persons unlawfully destroying, etc., documents relating to elections, etc.

6. Subsection 6 of section 149 of *The Municipal Act* is amended by striking out "elect" in the fourth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 149, subs. 6, amended

- (6) If all the aldermen or councillors were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith appoint a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. When council to appoint person to fill vacancy

R.S.O. 1960,  
c. 249, s. 150,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 150 of *The Municipal Act* is amended by striking out "elect" in the fourth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows:

Vacancy in  
office of  
mayor,  
reeve or  
deputy  
reeve

- (1) Where the office of mayor, reeve or deputy reeve becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall appoint one of their number to fill the office for the remainder of the term.

R.S.O. 1960,  
c. 249, s. 150,  
subs. 3,  
amended

(2) Subsection 3 of the said section 150 is amended by striking out "elect" in the fifth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows:

Vacancy in  
office of  
alderman or  
councillor  
where  
election is  
not by  
general vote

- (3) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are not elected by general vote and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose, shall appoint a person to fill the vacancy for the unexpired term of the member whose seat has become vacant.

R.S.O. 1960,  
c. 249, s. 184,  
subs. 1,  
amended

8. Subsection 1 of section 184 of *The Municipal Act* is amended by inserting after "municipality" in the second line "after an annual or biennial election, as the case may be", so that the subsection shall read as follows:

First  
meeting of  
council,  
local  
municipality

- (1) The first meeting of the council of a local municipality after an annual or biennial election, as the case may be, shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.

R.S.O. 1960,  
c. 249, s. 239,  
re-enacted

9. Section 239 of *The Municipal Act* is repealed and the following substituted therefor:

Tenure of  
office

- 239.—(1) Subject to subsection 2, all officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the council.

Dismissal  
of officers

- (2) No clerk, treasurer, engineer, assessor or assessment commissioner shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned.

SECTION 7. The amendments are for the purpose of clarification only.

SECTION 8. The amendment is to make it clear that an organization of council is not required annually where council is elected biennially.

SECTION 9. Subsection 2 of section 239 is new and provides that officers such as the clerk and treasurer may not be dismissed without a hearing if the officer so requests.



## SECTION 10. Self-explanatory.



10. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 249,  
amended

248c.—(1) Subject to the approval of the Department, where a municipality or local board, as defined in paragraph 59 of section 377, makes contributions to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, the municipality or local board may, Pension  
plans,  
consolidation  
and  
termination  
  
R.S.O. 1960,  
cc. 392, 301,  
332

- (a) discontinue the contributions to;
- (b) terminate the provisions of; or
- (c) transfer to another such fund or plan the assets of,

the pension, superannuation or benefit fund or plan with respect to all or part of the employees to whom the fund or plan is applicable.

(2) Notwithstanding any general or special Act, the terms and conditions of a pension, superannuation or benefit fund or plan to which a municipality or local board, as defined in paragraph 59 of section 377, makes contributions, excluding a fund or plan established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, shall not be altered, amended or repealed, on or after the day this section comes into force, without the approval of the Department. amend-  
ments, etc.

(3) Notwithstanding any general or special Act, where an employee, as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer  
from pension  
fund

- (a) the civil service of Ontario or Canada;
- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

the municipality or local board shall, on the written request of the employee, authorize the transfer of a sum of money that is equal to the present value of the benefits otherwise payable to or with respect to the employee for service to the date of transfer under a superannuation or pension fund or plan to which the municipality or local board makes contributions under any general or special Act to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

Transfer to  
pension fund

- (4) Notwithstanding any general or special Act, where a member of,

- (a) the civil service of Ontario or Canada;
- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, has become or becomes an employee, as defined in paragraph 59 of section 377, and a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service or staff is transferred to a fund or plan maintained to provide pension benefits for employees of the municipality or local board, the sum of money so transferred shall be applied for the benefit of the employee in accordance with the terms of the fund or plan to which the sum is transferred.

Refund

- (5) Where a sum of money is transferred in accordance with subsection 3 or 4 to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred.

- (1) The first of the two main parts of the book is devoted to a study of the history of the theory of the structure of the universe. The second part is devoted to a study of the theory of the structure of the universe.

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SECTION 11. The amendments are to bring the provisions re waste-paper boxes up to date with the use of new materials therefor.

SECTION 12. Under subsection 1 of section 286, a municipality may not incur a debt the payment of which is not provided for in the estimates without the assent of the electors. Subsection 2 of section 286 lists certain projects for which the municipality is not deemed to have incurred such a debt except where debentures are to be issued. The amendment adds agreements respecting the operation of ambulances and for furnishing public bus transportation to this list.

SECTION 13. The amendments change the words "special account" to "special bank account" and provide for a consolidated bank account for a number of reserve accounts.



**11.**—(1) Subsection 1 of section 249 of *The Municipal Act* R.S.O. 1960, c. 249, s. 249, is amended by striking out “iron” in the fourth line, so that the subsection shall read as follows: subs. 1, amended

- (1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain, for any period not exceeding ten years, waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council. Exclusive right to maintain waste-paper boxes on streets

(2) Subsection 2 of the said section 249 is amended by striking out “and painted” in the third line, so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 249, subs. 2, amended

- (2) The location of the boxes is subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and the collections therein removed to the satisfaction of the city engineer and as often as he may direct. Location of boxes

(3) Clause *b* of subsection 3 of the said section 249 is amended by striking out “painting” in the first line and inserting in lieu thereof “placing”, so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 249, subs. 3, cl. b, amended

- (*b*) allow the placing of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon.

**12.** Subsection 2 of section 286 of *The Municipal Act*, as amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 249, s. 286, subs. 2, amended

- (*ma*) agreements respecting maintenance and operation of ambulances under paragraph 88*c* of subsection 1 of section 379;

. . . . .

- (*ra*) agreements for furnishing public bus transportation under paragraph 88*a* of subsection 1 of section 379.

**13.**—(1) Subsection 2 of section 298 of *The Municipal Act* R.S.O. 1960, c. 249, s. 298, is amended by inserting after “special” in the second line “bank”, so that the subsection shall read as follows: subs. 2, amended

- (2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special bank Investments and income



R.S.O. 1960,  
c. 408

account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

S.O. 1960,  
c. 249, s. 298  
amended

(2) The said section 298 is amended by adding thereto the following subsection:

Consolidated  
bank account

(2a) The council may by by-law provide that, instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section but which consolidated bank account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.

R.S.O. 1960,  
c. 249, s. 299,  
subs. 2,  
re-enacted

14. Subsection 2 of section 299 of *The Municipal Act* is repealed and the following substituted therefor:

Special bank  
account

(2) Such contributions shall be paid into a special bank account, and subsections 2 and 2a of section 298 apply *mutatis mutandis* thereto.

R.S.O. 1960,  
c. 249, s. 377,  
par. 11,  
re-enacted

15.—(1) Paragraph 11 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Officers  
becoming  
members of  
association  
for  
improving  
technical  
knowledge

11. For any of the corporation's elected or appointed officers becoming members of any municipal union or association, for extending and improving the technical skill of such municipal officers in the discharge of their municipal duties, and for paying the whole or part of the fees for such membership, or for tuition of officers or employees enrolled in any course of instruction sponsored by such union or association, and for paying the expenses of such officers attending any meeting of such union or association or upon its business.

R.S.O. 1960,  
c. 249, s. 377,  
amended

(2) The said section 377 is amended by adding thereto the following paragraph:

Obstruction  
of drains

17a. For prohibiting the obstruction of any drain or watercourse, and for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under its jurisdiction.

R.S.O. 1960,  
c. 249, s. 377,  
par. 59,  
cls. h, i,  
repealed

(3) Clauses *h* and *i* of paragraph 59 of the said section 377 are repealed.

SECTION 14. Complementary to section 13 of this Bill.

SECTION 15—Subsection 1. Municipalities are authorized to pay tuition fees for its officers who are enrolled in courses of instruction given by municipal associations.

Subsection 2. The provisions are transferred from paragraph 73 of subsection 1 of section 379 and will hereafter be applicable to counties as well as local municipalities.

Subsection 3. The provisions dealing with the transfer of pension moneys where an employee of a municipality or board becomes an employee of another municipality or board are repealed and are included in a new section 248c. See section 10 of this Bill.

Subsection 4. The requirement that a fee be charged in municipal parking lots is deleted.

Subsection 5. The provision requiring the approval of the Department to salaries of members of a parking authority is deleted.

Subsection 6. The provisions requiring parking facilities to be self-supporting are repealed. This requirement will hereafter be a matter of discretion of council under clause f of paragraph 68.

SECTION 16—Subsection 1. Self-explanatory.

Subsection 2. The provisions authorizing local municipalities to pass by-laws respecting the obstruction of drains and regulating the construction of culverts and bridges that cross drains on highways are transferred to section 377 and will, therefore, be applicable to counties as well as local municipalities.

Subsection 3. Local municipalities are authorized to pass by-laws to provide ambulance service.



(4) Paragraph 67 of the said section 377 is amended by striking out "provided a fee is charged and collected for such parking" in the seventh and eighth lines, so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 377, par. 67, amended

67. For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon. Municipal parking lots

(5) Clause *e* of paragraph 68 of the said section 377 is amended by striking out "with the approval of the Department" in the third line, so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 377, par. 68, cl. e, amended

(*e*) The members may be paid such salary or other remuneration as may be fixed by by-law of the council. Salary of members

(6) Clause *g* of paragraph 68 of the said section 377 is repealed. R.S.O. 1960, c. 249, s. 377, par. 68, cl. g, repealed

**16.—**(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act* is amended by adding at the end thereof "or to any person under such age as the by-law may prescribe", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 30, amended

30. For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year or to any person under such age as the by-law may prescribe. Sale of fireworks

(2) Paragraph 73 of subsection 1 of the said section 379 is repealed. R.S.O. 1960, c. 249, s. 379, subs. 1, par. 73, repealed

(3) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs: R.S.O. 1960, c. 249, s. 379, subs. 1, amended

88*b*. Where the local board of health does not provide an ambulance under section 29 of *The Public Health Act*, for acquiring, maintaining and operating ambulances for the conveyance of persons suffering from disease or accident to a hospital or other place, and for fixing and charging fees therefor. Ambulances R.S.O. 1960, c. 321

88*c*. For entering into agreement with any person for a period not exceeding five years to maintain and operate ambulances for the purpose of conveying Agreements to operate ambulance service

persons suffering from disease or accident to a hospital or other place at such rates or charges and on such other terms and conditions, including the payment of an annual subsidy to such person, as may be agreed upon.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 94,  
re-enacted

(4) Paragraph 94 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Encroachment on  
highway for  
refacing

94. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

(a) A by-law permitting an encroachment or further encroachment of more than four inches from the limit of the highway does not take effect until it has been approved by the Department.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 135  
(1960-61,  
c. 59, s. 15,  
subs. 4),  
re-enacted

(5) Paragraph 135 of subsection 1 of the said section 379, as enacted by subsection 4 of section 15 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Licensing  
and  
regulating  
self-service  
laundries,  
etc.

135. For regulating and governing laundretorias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any such services or machines, and for revoking such licences.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 2,  
amended

(6) Subsection 2 of the said section 379 is amended by inserting after "under" in the first line "paragraph 23 or", so that the subsection shall read as follows:

Certain  
by-laws of  
townships

(2) A by-law passed by the council of a township under paragraph 23 or any of paragraphs 32 to 43 of subsection 1 may be made applicable to the township or one or more defined areas thereof as set out in the by-law.

R.S.O. 1960,  
c. 249, s. 380,  
re-enacted

17. Section 380 of *The Municipal Act* is repealed and the following substituted therefor:

Interpre-  
tation

380.—(1) In this section,

(a) "benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from



Subsection 4. At present, an encroachment or further encroachment of two inches only may be permitted for existing buildings. The amendment removes this restriction but provides that, where a by-law permits an encroachment of more than four inches, the by-law must be approved by the Department.

Subsection 5. Paragraph 135 presently provides for regulating washing machines and dryers for the use of the public. The paragraph, as re-enacted, also provides for regulating dry cleaning machines.

Subsection 6. Paragraph 23 permits municipalities to pass by-laws regarding fencing around privately-owned swimming pools. Such by-laws passed by townships may be made applicable to one or more defined areas of the township.

SECTION 17. The methods of charging the capital cost of sewage works under section 380 are extended to the capital costs of water works.



the construction of sewage works or water works, and

- (i) "immediate benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the works, and
- (ii) "deferred benefit" means the benefit that accrues upon completion of the works but which is not derived or derivable therefrom until a sewer or water main upon which the land will abut is constructed as part of the works;
- (b) "capital cost" means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account;
- (c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (d) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
- (e) "sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- (f) "sewer rate" means a charge for the capital cost of sewage works;
- (g) "water works" means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works;
- (h) "water works rate" means a charge for the capital cost of water works.

- (2) Subject to the approval of the Municipal Board <sup>Sewer, water works rate</sup> first being obtained, the council of a local municipality, in authorizing the construction of sewage

works or water works, may by by-law provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the sewage works or water works a sewer rate or a water works rate, as the case may be, sufficient to pay for the whole or such portion or percentage of the capital cost of the works as the by-law may specify, and, with the like approval, such by-law may from time to time be amended or repealed.

Special  
assessment  
under  
R.S.O. 1960,  
c. 223

- (3) Where a sewer rate or water works rate is imposed under subsection 2, no part of the capital cost of the works shall be specially assessed under *The Local Improvement Act*.

Land in  
respect of  
which rate  
imposed

- (4) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate or water works rate imposed, and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

Idem

- (5) The land designated under subsection 4 may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

Rate for  
deferred  
benefit

- (6) Where a sewer rate or water works rate is imposed for a deferred benefit, it shall be changed to a rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable.

Computation  
of sewer  
rate

- (7) A sewer rate shall be computed by any or all or any combination of the following methods:

- (a) A foot frontage rate on the lands that receive an immediate benefit from the work.
- (b) A foot frontage rate on the lands that receive a deferred benefit from the work.
- (c) An acreage rate or rates on any or all of the lands designated under subsection 4, which rates may differ as between lands that will receive an immediate benefit and lands that will receive a deferred benefit.
- (d) A mill rate on the assessed value of the lands designated under subsection 4.



- (e) A rate on that portion of the lands designated under subsection 4 that is connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands.
- (8) A water works rate shall be computed by any or all <sup>Computation of water works rate</sup> or any combination of the methods referred to in clauses *a* to *d* of subsection 7.
- (9) The revenue derived in any year from a rate imposed <sup>Revenue from rates</sup> under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the works for the capital cost of which the rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the rate.
- (10) Where in a local municipality there is land that has <sup>Sewer or water works rate for cost of existing works</sup> not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewage works or water works except in the same manner and to the same extent as all other owners or occupants of land within the municipality have been or are assessable or taxed and a sewer or water main forming part of such existing sewage works or water works is to be constructed by means of which an immediate benefit from the existing works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate or water works rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works or water works as the by-law may specify.
- (11) A rate may be imposed under subsection 10 notwithstanding that the capital cost of the existing works has in whole or in part been paid. <sup>Idem</sup>
- (12) The revenue from the sewer rate or water works rate <sup>Revenue from rates imposed under subs. 10</sup> imposed under subsection 10 if not required for payment of any part of the outstanding capital cost of the existing sewage works or water works shall be applied and used only for future capital improvements of the existing sewage works or water works, as the case may be.



Rate under  
subs. 10 in  
addition to  
rate under  
subs. 2

- (13) A rate imposed under subsection 10 shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the works to be constructed to form part of the existing works.

Rate  
structure

- (14) The council of a local municipality for the purposes of subsections 2 and 10 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure or a water works rate structure upon which the sewer rates or water works rates imposed under subsection 2 or 10 shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.

Sewage  
service rate

- (15) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use sewage works a sewage service rate.

Idem

- (16) A sewage service rate may be imposed under subsection 15 notwithstanding that,

(a) a sewer rate has also been imposed with respect to the capital cost of the same works; and

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

R.S.O. 1960,  
c. 223

Sewage  
service rate  
structure

- (17) The council of a local municipality for the purposes of subsection 15 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just.

Collection  
of rates

- (18) The council of a local municipality may by by-law establish systems for,

- 1. The first of these is the fact that the...  
2. The second is the fact that the...  
3. The third is the fact that the...  
4. The fourth is the fact that the...

The first of these is the fact that the...  
The second is the fact that the...  
The third is the fact that the...

The fourth is the fact that the...  
The fifth is the fact that the...  
The sixth is the fact that the...  
The seventh is the fact that the...  
The eighth is the fact that the...  
The ninth is the fact that the...  
The tenth is the fact that the...

The eleventh is the fact that the...  
The twelfth is the fact that the...

The thirteenth is the fact that the...  
The fourteenth is the fact that the...

**SECTION 18.** At present, the council of a local municipality may pay allowances to council members not exceeding \$1,500 where the population is between 20,000 and 50,000.

- (a) fixing times, periods and frequencies at and for which sewer rates or water works rates imposed under subsection 2 or 10 and sewage service rates imposed under subsection 15 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing.

(19) The council of a local municipality may by by-law <sup>Idem</sup> require any public utilities commission or local board that supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in clause e of subsection 7.

(20) A sewer rate or water works rate imposed under subsection 2 or 10 and a sewage service rate imposed <sup>Rates a charge on land</sup> under subsection 15 upon any owner or occupant of land is a lien and charge upon the land, and, if the rate or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable.

**18.** Subsection 1 of section 406 of *The Municipal Act* is <sup>R.S.O. 1960, c. 249, s. 406, subs. 1, re-enacted</sup> repealed and the following substituted therefor:

- (1) The council of a local municipality may pass by-laws <sup>Annual remuneration of councillors</sup> for paying the members of council an annual allowance as follows:



- (a) where the population exceeds 300,000, an annual allowance not exceeding \$4,000;
- (b) where the population exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$3,500;
- (c) where the population exceeds 120,000 but is less than 200,000, an annual allowance not exceeding \$3,000;
- (d) where the population exceeds 80,000 but is less than 120,000, an annual allowance not exceeding \$2,500;
- (e) where the population exceeds 50,000 but is less than 80,000, an annual allowance not exceeding \$2,000;
- (f) where the population exceeds 20,000 but is less than 50,000, an annual allowance not exceeding \$1,500;
- (g) where the population exceeds 10,000 but is less than 20,000, an annual allowance not exceeding \$1,000;
- (h) where the population exceeds 5,000 but is less than 10,000, an annual allowance not exceeding \$750;
- (i) where the population is 5,000 or less, an annual allowance not exceeding \$350.

Effect of  
decrease in  
population

- (1a) A decrease in the population of a local municipality of not more than 7 per cent does not invalidate a by-law passed under subsection 1 by such municipality.

R.S.O. 1960,  
c. 249, s. 523,  
repealed

**19.** Section 523 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 525,  
re-enacted

**20.** Section 525 of *The Municipal Act* is repealed and the following substituted therefor:

Forms

525. Where the forms therefor are not prescribed by this Act, the Department may prescribe forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form as prescribed by this Act or the Department and that



Clauses *d*, *e* and *f* of subsection 1 provide for allowances in the various ranges set out in such clauses.

Subsection 1*a* is new.

SECTION 19. Section 523, which provides for the election of trustees after the improvement district has been in existence for more than three years, is repealed. Where election of trustees is desirable, the improvement district should apply to become a township and so be removed from supervision.

SECTION 20. The section is re-enacted for clarification purposes only.

SECTION 21. The amendment is complementary to section 2 of this Bill.

SECTION 22. The amendment is necessary to make the Form coincide with amendments made to section 228.

is not calculated to mislead is not open to objection on the ground that it is not in accordance with the form so prescribed.

**21.** Form 1 of *The Municipal Act* is amended by striking out paragraph 1 and inserting in lieu thereof the following: R.S.O. 1960,  
c. 249,  
Form 1,  
amended

1. I am a householder residing in this municipality and am assessed as owner (or tenant) of a dwelling or apartment house (or part of a dwelling or apartment house separately occupied as a dwelling) or (I am rated on the last revised assessment roll for land held in my right for an amount sufficient to entitle me to be entered on the voters' list and reside in or within five miles of the municipality) or (I am the wife or husband of a householder who resides in the municipality and reside in or within five miles of the municipality).

**22.** Form 23 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249,  
Form 23,  
re-enacted

#### FORM 23

(Section 236 (6) )

#### DECLARATION OF AUDITOR

I, ....., having been appointed auditor for the municipal corporation of ....., promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, if *reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor or other than for services within my professional capacity.

**23.—**(1) This Act, except section 18, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 18 shall be deemed to have come into force on the 1st day of January, 1960. Idem

**24.** This Act may be cited as *The Municipal Amendment Act, 1962-63*. Short title



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An Act to amend The Municipal Act

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*1st Reading*

March 11th, 1963

*2nd Reading*

March 19th, 1963

*3rd Reading*

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MR. SPOONER

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(Reprinted as amended by the  
Committee on Municipal Law)

# BILL 80

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4TH SESSION, 26TH LEGISLATURE, ONTARIO  
11-12 ELIZABETH II, 1962-63

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## An Act to amend The Municipal Act

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MR. SPOONER

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BILL 80

1962-63

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Municipal Act*, as amended by section 1 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 13, re-enacted

13.—(1) When a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other local municipality into wards, and shall designate the name or number each ward shall bear. Wards

(2) Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect. Application by council

(3) A petition of 75 electors in a municipality having not more than 5,000 electors and of 150 electors in a municipality having more than 5,000 electors may be presented to the council of any local municipality requesting the council to make an application to the Municipal Board to divide or redivide the municipality into wards, and, if the council refuses or neglects to make the application within one month after the receipt by the clerk of the petition, the petitioners or any of them may apply to the Municipal Board for the division or a new division of the municipality into wards, and the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the Petition of electors

manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect.

Composition  
of local  
boards

- (4) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary.

R.S.O. 1960,  
c. 274

R.S.O. 1960,  
c. 249, s. 34,  
subs. 1,  
cl. a,  
amended

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act*, as amended by section 2 of *The Municipal Amendment Act, 1961-62*, is further amended by inserting after "of" in the sixth line "such", so that the clause shall read as follows:

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality, or is the wife or husband of such a householder and who resides in or within five miles of the municipality.

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. r,  
amended

3.—(1) Clause *r* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (r) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960,  
c. 23, 223

R.S.O. 1960,  
c. 249, s. 35,  
subs. 1, cl. s,  
amended

(2) Clause *s* of subsection 1 of the said section 35 is amended by adding at the end thereof "but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*", so that the clause shall read as follows:

- (s) a person who, either himself or by or with or through another, is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim,



action or proceeding by the corporation, but this clause does not apply with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*. R.S.O. 1960,  
cc. 23, 223

4. Clause *d* of subsection 1 of section 37 of *The Municipal Act* is amended by inserting after "tenant" in the sixth line "and who resides in or within five miles of the municipality", R.S.O. 1960,  
c. 249, s. 37,  
subs. 1, cl. d,  
amended  
so that the clause shall read as follows:

- (d) rated or entitled to be rated to the amount herein-after mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant and who resides in or within five miles of the municipality, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son; or

5. Subsection 1 of section 131 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249, s. 131,  
subs. 1,  
re-enacted

- (1) Every person who wilfully and maliciously destroys, injures, obliterates or removes or causes to be destroyed, injured, obliterated or removed a warrant for holding an election, a poll book, voters' list, certificate, affidavit or other document or paper made, prepared or drawn according to or for the purpose of meeting any requirement of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Persons  
unlawfully  
destroying,  
etc.,  
documents  
relating to  
elections,  
etc.

6. Subsection 6 of section 149 of *The Municipal Act* is amended by striking out "elect" in the fourth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows: R.S.O. 1960,  
c. 249, s. 149,  
subs. 6,  
amended

- (6) If all the aldermen or councillors were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith appoint a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. When  
council  
to appoint  
person to  
fill vacancy

R.S.O. 1960,  
c. 249, s. 150,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 150 of *The Municipal Act* is amended by striking out "elect" in the fourth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows:

Vacancy in  
office of  
mayor,  
reeve or  
deputy  
reeve

- (1) Where the office of mayor, reeve or deputy reeve becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall appoint one of their number to fill the office for the remainder of the term.

R.S.O. 1960,  
c. 249, s. 150,  
subs. 3,  
amended

(2) Subsection 3 of the said section 150 is amended by striking out "elect" in the fifth line and inserting in lieu thereof "appoint", so that the subsection shall read as follows:

Vacancy in  
office of  
alderman or  
councillor  
where  
election is  
not by  
general vote

- (3) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are not elected by general vote and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose, shall appoint a person to fill the vacancy for the unexpired term of the member whose seat has become vacant.

R.S.O. 1960,  
c. 249, s. 184,  
subs. 1,  
amended

8. Subsection 1 of section 184 of *The Municipal Act* is amended by inserting after "municipality" in the second line "after an annual or biennial election, as the case may be", so that the subsection shall read as follows:

First  
meeting of  
council,  
local  
municipality

- (1) The first meeting of the council of a local municipality after an annual or biennial election, as the case may be, shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.

R.S.O. 1960,  
c. 249, s. 239,  
re-enacted

9. Section 239 of *The Municipal Act* is repealed and the following substituted therefor:

Tenure of  
office

- 239.—(1) Subject to subsection 2, all officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the council.

Dismissal  
of officers

- (2) No clerk, treasurer, engineer, assessor or assessment commissioner shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned.

10. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 249,  
amended

248c.—(1) Subject to the approval of the Department, where a municipality or local board, as defined in paragraph 59 of section 377, makes contributions to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, the municipality or local board may, Pension plans, consolidation and termination  
R.S.O. 1960,  
cc. 392, 301,  
332

(a) discontinue the contributions to;

(b) terminate the provisions of; or

(c) transfer to another such fund or plan the assets of,

the pension, superannuation or benefit fund or plan with respect to all or part of the employees to whom the fund or plan is applicable.

(2) Notwithstanding any general or special Act, the terms and conditions of a pension, superannuation or benefit fund or plan to which a municipality or local board, as defined in paragraph 59 of section 377, makes contributions, excluding a fund or plan established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*, shall not be altered, amended or repealed, on or after the day this section comes into force, without the approval of the Department. amend-  
ments, etc.

(3) Notwithstanding any general or special Act, where an employee, as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer from pension fund

(a) the civil service of Ontario or Canada;

(b) the civic service of any other municipality or local board; or

(c) the staff of any board, commission or public institution established under any Act of the Legislature,



the municipality or local board shall, on the written request of the employee, authorize the transfer of a sum of money that is equal to the present value of the benefits otherwise payable to or with respect to the employee for service to the date of transfer under a superannuation or pension fund or plan to which the municipality or local board makes contributions under any general or special Act to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

Transfer to  
pension fund

- (4) Notwithstanding any general or special Act, where a member of,

- (a) the civil service of Ontario or Canada;
- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, has become or becomes an employee, as defined in paragraph 59 of section 377, and a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service or staff is transferred to a fund or plan maintained to provide pension benefits for employees of the municipality or local board, the sum of money so transferred shall be applied for the benefit of the employee in accordance with the terms of the fund or plan to which the sum is transferred.

Refund

- (5) Where a sum of money is transferred in accordance with subsection 3 or 4 to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred.

**11.**—(1) Subsection 1 of section 249 of *The Municipal Act* R.S.O. 1960, c. 249, s. 249, subs. 1, amended is amended by striking out “iron” in the fourth line, so that the subsection shall read as follows:

- (1) The council of a city may grant to any person, upon Exclusive right to maintain waste-paper boxes on streets such terms and conditions as may be deemed expedient, the exclusive right to place and maintain, for any period not exceeding ten years, waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

(2) Subsection 2 of the said section 249 is amended by R.S.O. 1960, c. 249, s. 249, subs. 2, amended striking out “and painted” in the third line, so that the subsection shall read as follows:

- (2) The location of the boxes is subject to change from Location of boxes time to time at the expense of the grantee, by whom the boxes shall be kept clean and the collections therein removed to the satisfaction of the city engineer and as often as he may direct.

(3) Clause *b* of subsection 3 of the said section 249 is R.S.O. 1960, c. 249, s. 249, subs. 3, cl. b, amended amended by striking out “painting” in the first line and inserting in lieu thereof “placing”, so that the clause shall read as follows:

- (*b*) allow the placing of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon.

**12.** Subsection 2 of section 286 of *The Municipal Act*, as R.S.O. 1960, c. 249, s. 286, amended amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clauses:

- (*ma*) agreements respecting maintenance and operation of ambulances under paragraph 88*c* of subsection 1 of section 379;

. . . . .

- (*ra*) agreements for furnishing public bus transportation under paragraph 88*a* of subsection 1 of section 379.

**13.**—(1) Subsection 2 of section 298 of *The Municipal Act* R.S.O. 1960, c. 249, s. 298, subs. 2, amended is amended by inserting after “special” in the second line “bank”, so that the subsection shall read as follows:

- (2) The moneys raised for a reserve fund established Investments and income under subsection 1 shall be paid into a special bank



R.S.O. 1960,  
c. 408

account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1960,  
c. 249, s. 298,  
amended

(2) The said section 298 is amended by adding thereto the following subsection:

Consolidated  
bank account

(2a) The council may by by-law provide that, instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section but which consolidated bank account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.

R.S.O. 1960,  
c. 249, s. 299,  
subs. 2,  
re-enacted

14. Subsection 2 of section 299 of *The Municipal Act* is repealed and the following substituted therefor:

Special bank  
account

(2) Such contributions shall be paid into a special bank account, and subsections 2 and 2a of section 298 apply *mutatis mutandis* thereto.

R.S.O. 1960,  
c. 377, s. 377,  
par. 11,  
re-enacted

15.—(1) Paragraph 11 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Officers  
becoming  
members of  
association  
for  
improving  
technical  
knowledge

11. For any of the corporation's elected or appointed officers becoming members of any municipal union or association, for extending and improving the technical skill of such municipal officers in the discharge of their municipal duties, and for paying the whole or part of the fees for such membership, or for tuition of officers or employees enrolled in any course of instruction sponsored by such union or association, and for paying the expenses of such officers attending any meeting of such union or association or upon its business.

R.S.O. 1960,  
c. 249, s. 377,  
amended

(2) The said section 377 is amended by adding thereto the following paragraph:

Obstruction  
of drains

17a. For prohibiting the obstruction of any drain or watercourse, and for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under its jurisdiction.

R.S.O. 1960,  
c. 249, s. 377,  
par. 59,  
cls. h, i,  
repealed

(3) Clauses *h* and *i* of paragraph 59 of the said section 377 are repealed.

(4) Paragraph 67 of the said section 377 is amended by striking out "provided a fee is charged and collected for such parking" in the seventh and eighth lines, so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 67,  
amended

67. For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon. Municipal  
parking  
lots

(5) Clause *e* of paragraph 68 of the said section 377 is amended by striking out "with the approval of the Department" in the third line, so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 68, cl. *e*,  
amended

(*e*) The members may be paid such salary or other remuneration as may be fixed by by-law of the council. Salary of  
members

(6) Clause *g* of paragraph 68 of the said section 377 is repealed. R.S.O. 1960,  
c. 249, s. 377,  
par. 68, cl. *g*,  
repealed

**16.**—(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act* is amended by adding at the end thereof "or to any person under such age as the by-law may prescribe", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 30,  
amended

30. For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year or to any person under such age as the by-law may prescribe. Sale of  
fireworks

(2) Paragraph 73 of subsection 1 of the said section 379 is repealed. R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 73,  
repealed

(3) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs: R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

88*b*. Where the local board of health does not provide an ambulance under section 29 of *The Public Health Act*, for acquiring, maintaining and operating ambulances for the conveyance of persons suffering from disease or accident to a hospital or other place, and for fixing and charging fees therefor. Ambulances  
R.S.O. 1960,  
c. 321

88*c*. For entering into agreement with any person for a period not exceeding five years to maintain and operate ambulances for the purpose of conveying Agreement  
to operate  
ambulance  
service



persons suffering from disease or accident to a hospital or other place at such rates or charges and on such other terms and conditions, including the payment of an annual subsidy to such person, as may be agreed upon.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 94,  
re-enacted

(4) Paragraph 94 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Encroach-  
ment on  
highway for  
refacing

94. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

(a) A by-law permitting an encroachment or further encroachment of more than four inches from the limit of the highway does not take effect until it has been approved by the Department.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 135  
(1960-61,  
c. 59, s. 15,  
subs. 4),  
re-enacted

(5) Paragraph 135 of subsection 1 of the said section 379, as enacted by subsection 4 of section 15 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Licensing  
and  
regulating  
self-service  
laundries,  
etc.

135. For regulating and governing laundretorias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any such services or machines, and for revoking such licences.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 2,  
amended

(6) Subsection 2 of the said section 379 is amended by inserting after "under" in the first line "paragraph 23 or", so that the subsection shall read as follows:

Certain  
by-laws of  
townships

(2) A by-law passed by the council of a township under paragraph 23 or any of paragraphs 32 to 43 of subsection 1 may be made applicable to the township or one or more defined areas thereof as set out in the by-law.

R.S.O. 1960,  
c. 249, s. 380,  
re-enacted

17. Section 380 of *The Municipal Act* is repealed and the following substituted therefor:

Interpre-  
tation

380.—(1) In this section,

(a) "benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from

the construction of sewage works or water works, and

- (i) "immediate benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the works, and
- (ii) "deferred benefit" means the benefit that accrues upon completion of the works but which is not derived or derivable therefrom until a sewer or water main upon which the land will abut is constructed as part of the works;
- (b) "capital cost" means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account;
- (c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (d) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
- (e) "sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- (f) "sewer rate" means a charge for the capital cost of sewage works;
- (g) "water works" means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works;
- (h) "water works rate" means a charge for the capital cost of water works.

- (2) Subject to the approval of the Municipal Board <sup>Sewer, water works rate</sup> first being obtained, the council of a local municipality, in authorizing the construction of sewage

works or water works, may by by-law provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the sewage works or water works a sewer rate or a water works rate, as the case may be, sufficient to pay for the whole or such portion or percentage of the capital cost of the works as the by-law may specify, and, with the like approval, such by-law may from time to time be amended or repealed.

Special  
assessment  
under  
R.S.O. 1960,  
c. 223

- (3) Where a sewer rate or water works rate is imposed under subsection 2, no part of the capital cost of the works shall be specially assessed under *The Local Improvement Act*.

Land in  
respect of  
which rate  
imposed

- (4) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate or water works rate imposed, and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

Idem

- (5) The land designated under subsection 4 may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

Rate for  
deferred  
benefit

- (6) Where a sewer rate or water works rate is imposed for a deferred benefit, it shall be changed to a rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable.

Computation  
of sewer  
rate

- (7) A sewer rate shall be computed by any or all or any combination of the following methods:

(a) A foot frontage rate on the lands that receive an immediate benefit from the work.

(b) A foot frontage rate on the lands that receive a deferred benefit from the work.

(c) An acreage rate or rates on any or all of the lands designated under subsection 4, which rates may differ as between lands that will receive an immediate benefit and lands that will receive a deferred benefit.

(d) A mill rate on the assessed value of the lands designated under subsection 4.



- (e) A rate on that portion of the lands designated under subsection 4 that is connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands.
- (8) A water works rate shall be computed by any or all <sup>Computation of water works rate</sup> or any combination of the methods referred to in clauses *a* to *d* of subsection 7.
- (9) The revenue derived in any year from a rate imposed <sup>Revenue from rates</sup> under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the works for the capital cost of which the rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the rate.
- (10) Where in a local municipality there is land that has <sup>Sewer or water works rate for cost of existing works</sup> not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewage works or water works except in the same manner and to the same extent as all other owners or occupants of land within the municipality have been or are assessable or taxed and a sewer or water main forming part of such existing sewage works or water works is to be constructed by means of which an immediate benefit from the existing works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate or water works rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works or water works as the by-law may specify.
- (11) A rate may be imposed under subsection 10 not- <sup>Idem</sup>withstanding that the capital cost of the existing works has in whole or in part been paid.
- (12) The revenue from the sewer rate or water works rate <sup>Revenue from rates imposed under subs. 10</sup> imposed under subsection 10 if not required for payment of any part of the outstanding capital cost of the existing sewage works or water works shall be applied and used only for future capital improvements of the existing sewage works or water works, as the case may be.

Rate under  
subs. 10 in  
addition to  
rate under  
subs. 2

- (13) A rate imposed under subsection 10 shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the works to be constructed to form part of the existing works.

Rate  
structure

- (14) The council of a local municipality for the purposes of subsections 2 and 10 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure or a water works rate structure upon which the sewer rates or water works rates imposed under subsection 2 or 10 shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.

Sewage  
service rate

- (15) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use sewage works a sewage service rate.

Idem

- (16) A sewage service rate may be imposed under subsection 15 notwithstanding that,

(a) a sewer rate has also been imposed with respect to the capital cost of the same works; and

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

R.S.O. 1960,  
c. 223

Sewage  
service rate  
structure

- (17) The council of a local municipality for the purposes of subsection 15 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just.

Collection  
of rates

- (18) The council of a local municipality may by by-law establish systems for,

- (a) fixing times, periods and frequencies at and for which sewer rates or water works rates imposed under subsection 2 or 10 and sewage service rates imposed under subsection 15 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing.

(19) The council of a local municipality may by by-law <sup>Idem</sup> require any public utilities commission or local board that supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in clause e of subsection 7.

(20) A sewer rate or water works rate imposed under subsection 2 or 10 and a sewage service rate imposed under subsection 15 upon any owner or occupant of land is a lien and charge upon the land, and, if the rate or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable. <sup>Rates a charge on land</sup>

**18.** Subsection 1 of section 406 of *The Municipal Act* is <sup>R.S.O. 1960,</sup> repealed and the following substituted therefor: <sup>c. 249, s. 406,</sup>  
<sup>subs. 1,</sup>  
<sup>re-enacted</sup>

- (1) The council of a local municipality may pass by-laws <sup>Annual remuneration</sup> for paying the members of council an annual allow-<sup>of</sup> ance as follows: <sup>councillors</sup>



- (a) where the population exceeds 300,000, an annual allowance not exceeding \$4,000;
- (b) where the population exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$3,500;
- (c) where the population exceeds 120,000 but is less than 200,000, an annual allowance not exceeding \$3,000;
- (d) where the population exceeds 80,000 but is less than 120,000, an annual allowance not exceeding \$2,500;
- (e) where the population exceeds 50,000 but is less than 80,000, an annual allowance not exceeding \$2,000;
- (f) where the population exceeds 20,000 but is less than 50,000, an annual allowance not exceeding \$1,500;
- (g) where the population exceeds 10,000 but is less than 20,000, an annual allowance not exceeding \$1,000;
- (h) where the population exceeds 5,000 but is less than 10,000, an annual allowance not exceeding \$750;
- (i) where the population is 5,000 or less, an annual allowance not exceeding \$350.

Effect of  
decrease in  
population

- (1a) A decrease in the population of a local municipality of not more than 7 per cent does not invalidate a by-law passed under subsection 1 by such municipality.

R.S.O. 1960,  
c. 249, s. 523,  
repealed

**19.** Section 523 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 525,  
re-enacted

**20.** Section 525 of *The Municipal Act* is repealed and the following substituted therefor:

Forms

525. Where the forms therefor are not prescribed by this Act, the Department may prescribe forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form as prescribed by this Act or the Department and that

is not calculated to mislead is not open to objection on the ground that it is not in accordance with the form so prescribed.

**21.** Form 1 of *The Municipal Act* is amended by striking out paragraph 1 and inserting in lieu thereof the following: R.S.O. 1960,  
c. 249,  
Form 1,  
amended

1. I am a householder residing in this municipality and am assessed as owner (*or* tenant) of a dwelling or apartment house (*or* part of a dwelling or apartment house separately occupied as a dwelling) or (I am rated on the last revised assessment roll for land held in my right for an amount sufficient to entitle me to be entered on the voters' list and reside in or within five miles of the municipality) or (I am the wife or husband of a householder who resides in the municipality and reside in or within five miles of the municipality).

**22.** Form 23 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249,  
Form 23,  
re-enacted

### FORM 23

(Section 236 (6) )

#### DECLARATION OF AUDITOR

I, ....., having been appointed auditor for the municipal corporation of ....., promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor or other than for services within my professional capacity.

**23.**—(1) This Act, except section 18, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 18 shall be deemed to have come into force on the 1st day of January, 1960. Idem

**24.** This Act may be cited as *The Municipal Amendment Act, 1962-63*. Short title



An Act to amend The Municipal Act

*1st Reading*

March 11th, 1963

*2nd Reading*

March 19th, 1963

*3rd Reading*

April 26th, 1963

MR. SPOONER













